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## Senate

The Senate met at 11 a.m. and was called to order by the President pro tempore (Mr. LEAHY).

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Righteous God, Your power is unsurpassed. Manifest Your might during this challenging season. Lord, show us Your strength.

Use our Senators for Your glory. Provide them with the wisdom to look ahead and to count the cost. Inspire them to desire, above all else, to remain within the circle of Your loving and prevailing providence. Lord, give them sufficient caution to see the danger coming and refuse to plunge ahead.

And, Lord, we thank You for the amazing service of Secretary Julie Adams.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The President pro tempore led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### RECOGNITION OF THE MAJORITY LEADER

The PRESIDENT pro tempore. The majority leader is recognized.

### BUSINESS BEFORE THE SENATE

Mr. SCHUMER. Mr. President, now, the Senate is laser-focused on confirming President Biden's impressive Cabinet while paving the way for another round of urgent COVID relief. The two tasks will remain the top Senate priorities over the next several weeks.

By the end of this week, the Senate will have confirmed three Cabinet-level

officials—the U.N. Ambassador and the Secretaries of Agriculture and Energy—and will have set up confirmation votes early next week for the Secretaries of Education and Commerce and the Chair of the Council of Economic Advisers.

This week, Senate committees also held confirmation hearings on scores of other nominations, including the President's candidates for Attorney General, HHS Secretary, Interior Secretary, CIA Director, Surgeon General, and U.S. Trade Representative.

At the same time, Democrats are preparing to proceed with the urgently needed President Biden American Rescue Plan, a \$1.9 trillion lifeline that will lay the foundation for economic recovery and a return to life as normal.

We have come a long way in our fight against COVID, but we still have a long way to go. Over 60 million vaccinations have now been administered across the country. Death rates are finally, finally declining. But while the trends are headed in the right direction, more Americans are still dying per day than at any point during the worst weeks of last summer.

The same goes for our economy. While there are green shoots, our country remains 10 million jobs short of where we were last February—10 million jobs short. That is nothing to trifle with or pass over. Today's report on new jobless claims was the 49th week that the number was higher than at any point during the great recession.

Let me repeat that. Today's report on the number of Americans filing for unemployment benefits for the first time was the 49th week during the COVID pandemic that new unemployment claims were higher than at any point during the great recession. In the words of Fed Chairman Powell, hardly a big liberal, "The economic recovery remains uneven and far from complete, and the path ahead is highly uncertain."

That is from a very serious, staid man not prone to any hyperbole at all.

But what he is telling us is simple: We cannot take our foot off the gas. We cannot slow down before the race is won. We must proceed boldly and decisively.

Senate Democrats will move forward on the American Rescue Plan as soon as possible. The bill will erase any doubt that the American people, businesses, families, workers will have the resources that they need until we can defeat the virus and our economy comes roaring back. The American people should expect nothing less.

Just yesterday, over 150 executives from the Nation's business community said that taking action on the American Rescue Plan is the right thing to do. The business community is firmly lined up behind this plan. Earlier this month, 400 mayors from both parties, Democratic and Republican, sent a letter to Congress supporting the plan and the help it provides to keep teachers and firefighters and other essential public employees on the job.

In poll after poll, the American public overwhelmingly supports congressional action on a bold COVID relief package, a majority of Democrats and a majority of Republicans. As many as 7 in 10 Americans support the American Rescue Plan. There is a clear, bipartisan, nationwide mandate to act, and that is just what the Senate is going to do—a clear, bipartisan, nationwide mandate to act, and that is what we will do.

Now, from the start, we had hoped this effort would be bipartisan. As I said before, there is nothing about the budget process that precludes bipartisanship. The same process has been used no fewer than 17 times to produce major bipartisan legislation. But it seems that despite the historic nature of the crisis, despite the clear and pressing needs of the country, despite the support of mayors and Governors and economists and business leaders from across the political spectrum, and

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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despite the popularity of the legislation with the American people, my Republican colleagues are organizing to oppose the next round of COVID relief.

A report in CNN suggested that Republican leaders were “maneuvering” to keep every single Republican from supporting the American Rescue Plan, an exercise in pure partisanship. We have started to hear the same predictable objections in almost the same exact words that Republicans use in response to nearly every piece of Democratic legislation: “a liberal wish list”; “socialism.”

One Republican Member said that the American Rescue Plan was “to the left of Lenin.” Seriously, to the left of Lenin? Money for schools, vaccines, direct checks to struggling American families—checks that nearly every Member of the Senate supported just a few months ago—now it is to the left of Lenin?

This kind of reflexive partisan opposition is not going to wash with the American people. It wouldn’t wash at any time, but it especially doesn’t wash during this time of crisis. The American people have all heard it before, and they know the country needs help.

All week our Republican colleagues have been raising concerns about school closures. Well, I will tell you what, we all want to open schools. We all want them to reopen. We are all concerned, though, about the cost of remote learning on children and parents. So are the teachers. So are the children. So are the parents.

But how about we actually give schools the funding they need to reopen as quickly and safely as possible? That funding is in the American Rescue Plan. While our Republican colleagues are cynically attacking teachers—something they have done for decades—the school districts in their States are telling them they need more funding. Their school districts are telling them they need more funding to hire extra teachers and reduce class size, to change the infrastructure of their schools to increase social distancing, to hire tutors for summer school and the fall to help our children make up for lost time.

The education commissioner for the State of Nebraska, hardly a Democratic stronghold, put it simply: “There’s a lot of damage to repair.” Our Republican colleagues want schools to reopen. So do we. But what about actually doing something to make that happen as safely and as quickly as possible?

It seems my Republican colleagues have even taken issue with the tiny amount of funding in the bill that goes to a bridge in New York. They say: Look, a pork-barrel earmark from the Democratic leader, totally non-COVID-related. The truth is, this is one of the only bridges operated by the Federal Government. Its revenues for operating expenses have collapsed because of COVID. No one is using the bridge.

Ironically, the bridge is located in a district represented in the House by a Republican. And the request for this funding wasn’t made by me or any Democrat, for that matter. It came from the Trump administration 5 months ago. I learned about it being in the bill when I read about it in the newspaper.

That is how silly the talking points of the other side have gotten. Republicans are not happy about a small provision in the bill requested by the previous Republican administration, so they are going to oppose direct checks to struggling families, another round of assistance for small businesses, and money for schools and vaccinations. The argument is absurd and, we know, a total excuse.

Look, we Democrats would prefer to work with our colleagues on the other side of the aisle to pass this bill. We had an open, bipartisan amendment process on the budget resolution. We have already included many bipartisan amendments the Senate adopted into this new reconciliation bill. The first amendment we put on the floor for the restaurants was bipartisan, and that was the first amendment I put on the floor as majority leader, showing my intent to be bipartisan.

But, at the end of the day, we cannot let obstructionism stop us. At the end of the day, the American people sent us here with a job to do.

The bottom line is simple: We are still in a historic crisis of the health of the economy. The American people know we are in a historic crisis. And the Senate will soon take action on our plan to solve this crisis, a plan with overwhelming public support. Our Republican colleagues will have to decide whether they will work with us to approve the legislation or obstruct it to the bitter end.

I yield the floor.

#### RESERVATION OF LEADER TIME

The PRESIDING OFFICER (Mr. BOOKER). Under the previous order, the leadership time is reserved.

#### MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Vermont.

#### WELCOMING ANN BERRY

Mr. LEAHY. Mr. President, I appreciate what the leader just said about COVID. It certainly reflects the feelings of people in my State that we have to get going.

But I am here on a different matter today. Since the 1780s, we have had an extraordinary list of Secretaries of the Senate. The outgoing Secretary Julie Adams is one of those extraordinary

people who have been here, and I have had the distinct pleasure and honor of serving with so many.

But let me be personal for a moment. On Monday, in my role as President pro tempore, I will administer the oath of office to an amazing person, Sonceria Ann Berry. She will become the Secretary of the Senate.

This is a woman who earned her bachelor’s degree in education from the University of North Alabama, and she has had so much experience in the Senate. She first worked for Senator Howell Heflin of Alabama.

I had the pleasure of serving with Senator Heflin—as I found when I would travel to Alabama with him, he usually would be greeted with “Hello, Judge.” He was a man who had an extraordinary sense of how the Senate worked but made very clear to me how much he relied on Ann Berry. She worked with other good friends of mine: Senator Pat Moynihan, whose office was right down the hall from mine, and Senator Edwards and Senator CARPER. She took time out from her duties in my office to help stand up Senator JONES’ office.

She came to the Leahy office in 2007, and she worked with my chief of staff, J.P. Dowd. They gave such leadership to my office, and I have found that almost daily, I would stick my head into Ann’s office and say: Here is the situation; what do you think we should do here or there? I knew what a go-to in the Senate she had been for generations of staffers, a mentor to dozens of young staffers and interns. I have also said over and over again that we Senators are merely a constitutional impediment to our staffs. Well, this impediment was delighted he could go to Ann Berry and seek help and advice.

I think of her and her family—Reginald, her wonderful husband, and her daughter, Elizabeth, whom I have had a chance to see grow up to become a young woman who is distinguishing herself working here in the Senate.

I also think of her sayings, like “This, too, shall pass” or “I may have been born at night, but I wasn’t born last night.” “There is more than one way to skin a cat,” or sometimes when we had been here late into the night, she says, “Nothing good happens after midnight.” But with her, everything good happened.

I think of the Senate and all of us in it, in a way, as a family. Over my years here, I have become more and more aware of that. But Ann Berry truly was. I don’t know how many times somebody working in my office would have an issue—not just the professional things; she was always there to answer those and give direction. They would go in and say, “You know, I have had this thing that has been troubling me” and know that they could get wonderful advice but also advice in confidence.

I will admit that my grandchildren, my wife and I think the world of her. We do have one grandchild, now 15, but

for the last few years, he would be in my office, and he would say, "I want to go leave a note for Miss Ann," and young Patrick would go and leave notes for her. It is a kind of family.

I think the world of our majority leader. When he told me that he wanted to appoint Ann Berry as Secretary of the Senate, I told him I will forgive him this once only because of her extraordinary capabilities.

I will speak more about her next week, but one thing that is going to give me pride because of who it involves is that on Monday, as President pro tempore, I will administer the oath of office to the extraordinary Ann Berry, and I will do it as one of the proudest moments since I have been here.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

#### ELECTIONS

Mr. McCONNELL. Mr. President, next week, House Democrats say they will try to recycle failed legislation that would have Washington Democrats grab unprecedented power over how America conducts its elections and how American citizens can engage in political speech.

For several years now, we have seen the political left grow less interested in having normal policy debates within our governing institutions and more interested in attacking the institutions themselves to tilt the playing field in their side's favor.

When their side loses a Presidential election, it is not their fault; it is the electoral college's. When they don't like a Supreme Court's decision, it is time to threaten the Justices or pack the Court. When longstanding Senate rules threaten to frustrate far-left proposals, it is the Senate rules they want to change. And now House Democrats want to try to use their slim majority to unilaterally rewrite and nationalize election law itself. They want to use the temporary power the voters have granted them to try to ensure they will never have to relinquish it.

This year's version of the House Democrats' legislation contains the same bad ideas as their efforts 2 years ago. For example, when the Federal Election Commission was created after Watergate with the sensitive job of regulating American politics, it was designed to require bipartisan consensus. House Democrats want to scrap those rules and turn the FEC from an even-numbered body, bipartisan body, to an odd-numbered partisan body so Democrats can dominate it. Then they want to hand the newly partisan FEC new authorities to scrutinize and regulate an even wider share of political speech and private citizens' activities. Or take election law itself—House Democrats

have looked at the division and the disunity of the last several months and decided that what American elections really need is a one-size-fits-all partisan rewrite by one side here in Washington.

In our country, States and localities run elections. Those of us in the Federal Government do not get a stranglehold over the ways in which voters decide our fates. But House Democrats want to change that. Their bill would take prudential questions about early voting, registration, and no-excuse absentee balloting and resolve them one way for the entire Nation. They want to force all 50 States to allow the absurd practice of ballot harvesting, where paid operatives can show up at polling places carrying a thick stack of filled-out ballots with other people's names on them. They want to forbid States from implementing voter ID or doing simple things like checking their voter rolls against change-of-address submissions. They want to mandate no-excuse mail-in balloting as a permanent norm, post-pandemic. And—I promise I am not making this up—their bill proposes to directly fund political campaigns with Federal tax dollars. They want to raise money through new financial penalties, which the government would then use to fund campaigns and consultants. It is a strange idea. It takes a minute to kind of wrap your head around it. They want the Federal Government itself to send money for things like political ads that half the country disagrees with. What a bizarre concept that nobody is asking for.

This sweeping Federal takeover would be exactly the wrong response to the distressing lack of faith in our elections that we have recently seen from both political sides.

After both 2016 and 2020, we saw significant numbers of Americans on the losing side express doubt in the validity of the result. As recently as late last September, fewer than half of Democrats said they were confident the 2020 election would be free and fair. Just weeks later, however, by mid-November, once things had gone the way they wanted, Democrats' confidence in the election magically skyrocketed up to 90 percent. We cannot keep trending toward a future where Americans' confidence in elections is purely a function of which side won.

A sweeping power grab by House Democrats, forcibly rewriting 50 States' election laws, would shove us further and faster down that path. In this country, if the people who win elections want to hold on to power, they need to perform well, pass sound policies, and earn the support of the voters again. House Democrats do not get to take their razor-thin majority, which voters just shrunk, and use it to steamroll States and localities to try to prevent themselves from losing even more seats the next time. Protecting democracy cannot be a partisan issue.

#### TRIBUTE TO JULIE ADAMS

Mr. McCONNELL. Mr. President, on a completely different matter, this week, the institution of the Senate is losing a talented leader who has spent 6 years as one of our top officials.

The Secretary of the Senate is a truly unique position in American Government. She or he is essentially the chief administrative officer of the institution itself. Back in the 18th century, that meant keeping the minutes and records and making sure people had ink for their quills. Today, it means managing a sprawling array of offices packed with career professionals, everything from parliamentary procedure to payroll, to public records, to the Senate Library and the page school and much more. The Secretary also fulfills key institutional functions. She or he signs every act that we pass. They carry formal messages to other branches of our government.

It takes major smarts, guts, integrity, and people skills just to survive in this mammoth job, let alone to actually thrive in it, but for the last 6 years, Julie Adams hasn't just survived, she hasn't just personally thrived; she has strengthened the entire institution of the Senate.

I first met Julie back in 2003 when we hired her to help out our press team. I was just starting my time as Republican whip. Julie was new to Washington, but she wasn't new to policy or to politics, and she knocked everyone's socks off right from the start. She combined diligence and professionalism with a heart of gold. She mastered her day job, volunteered for tasks above and beyond, and became the whole office's favorite teammate.

Of course, nobody is perfect; for example, Julie is not a Kentuckian. She is a proud daughter of Iowa. But trust me, she has become an honorary citizen of the Commonwealth many times over.

A few years later, she was stolen away to do important work for First Lady Laura Bush, but in 2009, we brought her back to coordinate operations and administration across both my personal office and my leadership office. She brought great judgment, a quick mind, stellar instincts, and a meticulous eye to a big job and made us all a whole lot better. From short-term crises to long-term relationships, Julie can do it all.

While perpetually juggling 10 tasks for herself, she always found ways to look after everyone else. She made sure each of her colleagues, down to the most junior, got the attention and the resources they needed. Everyone was included. Everyone mattered. She made sure of it.

Her talent and skills made Julie an easy choice for Secretary of the Senate after we took the majority in 2014. Now, there is always the potential for sensitivity when a new leader, appointed by a Senate leader of one party, comes in to oversee huge numbers of dedicated, long-serving, non-partisan specialists. Not surprisingly,

Julie rapidly won the admiration, affection, and trust of the men and women under the Secretary's umbrella. She has championed the professionals who make this place go. She empowered them. She stuck up for them and made sure they were properly insulated from political pressure.

Everyone knows Julie puts this institution and its rules first. Staff trust her. Senators on both sides trust her. Leaders across other branches of government trust her. She plays everything down the middle with total integrity.

And amid all of this, she maintained the generous spirit that everyone admires. Whether she is delivering official Senate correspondence to the Chief Justice of the Supreme Court or the Secretary of State or checking in with a Senate employee on a birthday or during a tough personal time, everyone gets the same friendly "hello" and sincere kindness from Julie Adams.

Alas, it is customary to have a new Secretary of the Senate when there is a change in party control. Tomorrow is Julie's last day. I am really, really sorry to say good-bye to such a key player.

So on behalf of the whole Senate, I want to thank Julie's proud parents, Dr. Harold and Leah Adams; her siblings, John and Jessica; and her beloved canine companion Maggie for sharing this great friend and essential colleague with us for many years.

Julie, you made your family proud, you made me proud, and, most importantly, you have been a great credit to this institution. Thank you, sincerely, for your service.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AGRICULTURE

Mr. THUNE. Mr. President, on Tuesday, the Senate confirmed Tom Vilsack as the Secretary of Agriculture. It is a role he is familiar with, having previously served as Agriculture Secretary under President Obama. I voted in support of his nomination because I believe he understands the issues facing farmers and ranchers and is sincere in his desire to work with Members of Congress on both sides of the aisle to support our Nation's agriculture producers.

Agriculture is the lifeblood of my home State of South Dakota, and fighting for farmers and ranchers is one of my top priorities here in the Senate. I am very pleased to, once again, serve on the Senate Agriculture Committee in this Congress, which gives me an important platform to advocate for South Dakota farmers and

ranchers and farmers and ranchers across the country.

One huge priority for me over the past year has been making sure agriculture producers have the support they need to weather this pandemic. During debate on the CARES Act—our largest coronavirus relief bill to date—I fought to make sure we included relief for farmers and ranchers, and I followed up by advocating for cattle producers with the Department of Agriculture to make sure they would receive funds.

I also worked to ensure that additional relief for farmers and ranchers was included in the COVID legislation that we passed in December. The Coronavirus Food Assistance Program that the USDA established to distribute funding, included in the CARES Act, has distributed billions in direct support to agriculture producers, which has been key in helping them weather this pandemic.

Now that Secretary Vilsack has been confirmed, I urge him to lift the Biden administration's freeze on part of this important program and distribute the additional funding from the December relief package as soon as possible. I also urge the Department of Agriculture to use its authority to provide assistance to agriculture processors like the biofuels industry.

During my meeting with Secretary Vilsack prior to his confirmation, we spent time discussing my Soil Health and Income Protection Program, which became law as part of the 2018 farm bill. That program, the SHIPP program, allows farmers to take their lowest performing croplands out of production for 3 to 5 years. This benefits the environment by increasing soil health and water quality, and it benefits farmers by providing them with a rental payment for the acres they have temporarily removed from production.

I will continue to urge Secretary Vilsack to expand farmers' access to SHIPP by holding another signup this year. I will also continue to urge him to address another priority I brought up in our meeting, and that is the November 1 haying and grazing date for cover crops on prevented plant acres, which is too late in the year for farmers in more northern States like South Dakota.

As I said, one of my top priorities has been making sure farmers and ranchers have the support they need during the pandemic. When it became clear that farmers and ranchers were largely missing out on the Paycheck Protection Program that Congress had set up to help small businesses weather the pandemic, Senator BALDWIN and I introduced legislation to allow more farmers and ranchers to access the program by allowing them to use their gross incomes rather than their net incomes to determine their loan awards. Our Paycheck Protection for Producers Act became law as part of the coronavirus relief bill that Congress passed in December.

Senator BALDWIN and I have continued to engage with the Treasury Department and the Small Business Administration to ensure that the Paycheck Protection Program is working properly for farmers and ranchers. For example, we recently led a bipartisan letter urging a broader implementation of our Paycheck Protection for Producers Act to ensure that farmers and ranchers who are organized as partnerships or limited liability companies are allowed to apply for Paycheck Protection Program loans by using this more favorable gross income formula, as was intended.

These issues are front of mind for agriculture producers in my State, and, last week, I had the opportunity to discuss many of them in person with representatives of the South Dakota Corn Growers Association, which represents and advocates for corn farmers in South Dakota. Another thing we spent a lot of time talking about was biofuels. In addition to helping to feed our Nation, corn and soybean farmers provide essential feedstocks for biofuels, like ethanol and biodiesel, which provide an important source of cleaner energy. I have long been an advocate for biofuels for their clean energy potential and the benefits they offer to the agriculture industry.

When I met with Secretary Vilsack, he committed to working with me to promote ethanol as a form of clean energy—a commitment he echoed at his confirmation hearing.

I recently introduced two bipartisan pieces of legislation to support the increased use of biofuels and emphasize their clean energy potential. The Adopt GREET Act, which I introduced with Senator KLOBUCHAR, would require the Environmental Protection Agency to update its greenhouse gas modeling for ethanol and biodiesel by using the U.S. Department of Energy's GREET model. A recent Harvard study found that ethanol is 46 percent cleaner than gasoline, with some technologies reducing life-cycle emissions by as much as 61 percent. These findings underscore how biofuels can reduce emissions in the near term using our Nation's existing vehicles. Currently, however, the EPA's modeling does not fully recognize the tremendous emissions-reducing potential of ethanol and other biofuels. The Adopt GREET Act would fix this problem and pave the way for increased biofuel use both here and abroad.

I also introduced a bill to advance long-stalled biofuel registrations with the EPA. Regulatory inaction has stifled the advancement of promising technologies, like ethanol derived from corn kernel fiber, even though some of these fuels are already being safely used in States like California. My bill would speed up the approval process for these innovative biofuels. This would allow biofuel producers to capitalize on the research and facility investments they have made and improve their operating margins while further lowering

emissions and helping our Nation's corn and soybean producers by reinforcing this essential market.

The pandemic has highlighted vulnerabilities in our Nation's food supply chain, especially when it comes to meat processing capacity. Too much of our Nation's processing capacity is concentrated in a handful of facilities, leaving our meat supply vulnerable if a problem like a coronavirus outbreak occurs at one of these plants.

I recently introduced the Strengthening Local Processing Act with Senator MERKLEY. Our legislation would help expand national meat processing capacity by providing new resources for smaller, more local meat processing operations. Spreading out and expanding our Nation's meat processing capacity over more plants will make our Nation's meat supply less vulnerable to interruption in situations like the coronavirus pandemic or natural disasters and provide livestock producers with more marketing options.

I am proud to represent South Dakota's farmers and ranchers here in Congress, and I will continue to do everything I can to ensure that all of our Nation's farmers and ranchers have the support they need to weather the rest of this pandemic and to continue feeding our Nation and the world.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

#### NOMINATION OF JENNIFER MULHERN GRANHOLM

Mr. PETERS. Mr. President, I am proud to stand today in support of Jennifer Granholm's nomination to be the next Secretary of Energy.

I have known Secretary-designate Granholm for many years, and I served in her administration while she was Governor. There is no question she is uniquely qualified to serve as Secretary of Energy. As the Governor of Michigan, she led our State through an economic crisis. She knows how to deal with multifaceted challenges and has a documented record of strong leadership.

During her confirmation hearing, Jennifer Granholm outlined three key missions that she wants to prioritize in her new role: one, strengthening national security, particularly on nuclear nonproliferation through the National Nuclear Security Administration; two, supporting the research and development at scientific research facilities all across our Nation; and, three, utilizing that research to create new, good-paying jobs for Americans. All of these issues are issues that Jennifer Granholm has been focused on throughout her entire career.

As Governor, she worked to support groundbreaking research that is conducted at Michigan's world-class institutions—research that is constantly leading to new discoveries that will change the world to create jobs and save lives. As Governor, Jennifer

Granholm secured bipartisan support to establish the 21st Century Jobs Fund, which leveraged funding to diversify Michigan's economy, create jobs in clean energy by attracting new business investments, and put Michigan on a better path.

Those are the kinds of actions and investments that I look forward to working closely with Secretary-designate Granholm on in the coming months and in the coming years, and it is clear that she also recognizes what must be done to advance our Nation's energy interests, because she has already achieved results in Michigan.

If we are going to build back better, we must do so in a sustainable, forward-thinking way that addresses climate change. That is something President Biden's administration is committed to doing, and I know Secretary Granholm is as well. I could not be more excited to say that we will have a fellow Michigander leading the Department of Energy, and I urge all of my colleagues to support her confirmation.

I yield the floor.

#### EXECUTIVE SESSION

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER (Mr. SCHATZ). The clerk will report the nomination.

The bill clerk read the nomination of Jennifer Mulhern Granholm, of Michigan, to be Secretary of Energy.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. I ask unanimous consent that the Senator from West Virginia and I both be allowed to complete our remarks before moving to the rollcall vote.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JENNIFER MULHERN GRANHOLM

Mr. BARRASSO. Mr. President, when Governor Granholm came before the Energy and Natural Resources Committee for her nomination hearing, she said she was committed to American energy dominance. She stated she understood the importance of having a broad energy mix and supporting energy innovation.

Now, I asked her if it was a good thing that the United States is the world's leading producer of oil and natural gas, and she said it was. I asked her if low energy prices and high-paying American energy jobs were good things, and she agreed that they were. And when I asked her if America exporting its energy influence around the globe was a good thing, she again affirmed that it was. She has demonstrated that she is dedicated to supporting carbon capture, nuclear power, and American uranium production.

For these reasons, she cleared our committee with broad bipartisan support and will soon be confirmed by the Senate. I expect we will work together

closely on these efforts when she leads the Department of Energy.

During her nomination hearing, Governor Granholm also said that she didn't want to see anyone lose their job or get left behind. Yet this is exactly what the Biden administration is doing to thousands of American energy workers.

On Inauguration Day, the President spoke of unity and bringing our Nation back together. Once he arrived at the White House, however, he threw that rhetoric out the window, picked up his pen, and started signing radical Executive orders.

His orders to ban oil, gas, and coal leasing on Federal lands and to kill the Keystone XL Pipeline will throw thousands of Americans out of work. These workers' livelihoods are being sacrificed in the name of the Biden agenda. Leaders in the administration are telling these oil rig and coal mine and pipeline workers that they can simply get new jobs building solar panels.

Actually, John Kerry said that the Biden administration policies will give these workers better choices. In 2019, the average salary of a solar panel technician was about \$30,000 a year less than the average salary of a worker in the gas, oil, and coal industry. So John Kerry flies around the world, private jet, but is asking American energy workers to each take \$30,000 a year less in income. And that is if these green energy jobs even exist.

To that point, the Washington Post Fact Checker took a look at what John Kerry had said, and they said he was offering "false hope with a misleading use of statistics."

Look, we have heard it all before. When President Biden was Vice President, the Obama administration promised thousands of green energy jobs—jobs that never materialized. Millions of taxpayer dollars were wasted on green energy companies that went belly-up.

Now the "Solyndra Syndrome" has returned. The Washington Post Fact Checker said it expects just a little over 10,000 new wind and solar jobs over the next 10 years.

In Wyoming alone, the long-term leasing ban would result in 33,000 workers losing their jobs. And where are these Wyoming workers supposed to go?

Hundreds of thousands more workers are going to lose their jobs in New Mexico, Colorado, Texas, and other States. How will they provide for their families?

The Biden ban won't just hurt workers; it is going to hurt kids too. A long-term leasing ban is going to eliminate hundreds of millions of dollars in State revenue—the dollars which go for essential services, for public schools, for roads, bridges, and hospitals. A long-term leasing ban is going to hurt teachers, students, and the communities they call home.

America needs all the energy—the oil, the gas, the coal, the uranium, the

wind, the solar—all of them. Banning fossil fuels will hurt our economy and force more workers out of work.

President Biden has declared war on American energy and American energy workers, and I just can't stand by as this administration tries to crush Wyoming's economy. I can't support an administration that throws my constituents out of work and hurts the schools and the hospitals in the communities and the teachers who teach the children.

Energy is a force multiplier. American energy is—America is an energy superpower. We need to act that way.

President Biden seems to want to pull the plug on American energy dominance. So I cannot in good conscience vote to approve his nominee for Secretary of Energy.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

#### UNANIMOUS CONSENT AGREEMENT

Mr. MANCHIN. Mr. President, first, I ask unanimous consent that upon the disposition of the Granholm nomination, the Senate resume consideration of the Cardona nomination.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF JENNIFER MULHERN GRANHOLM

Mr. MANCHIN. Mr. President, first of all, I am delighted to speak today on the nomination of Jennifer Granholm to be Secretary of Energy.

I have known Jennifer since we were Governors together more than a decade ago. She served two terms as Governor of Michigan from 2003 to 2010. That was a particularly challenging time in her State's history, and I saw how she handled the difficult challenges facing her during the Great Recession and when the bottom dropped out of the auto industry in her State.

She was up to those challenges. She helped save the domestic auto industry. She diversified Michigan's economy. She brought in new investment and new industry, and she created new jobs, leaving no worker behind.

I know she will continue to apply the mindset at the national level. She has the leadership skills, the vision, and the compassion for people that we need at the helm of the Department of Energy to face the climate challenge and, at the same time, preserve our energy security, protect our national security, clean up the Cold War legacy, and preserve our scientific and technological prowess.

Moreover, she is someone you can talk to and work with. She listens, and she is an honest broker. She may not always agree with you, but she will listen to your concerns and will try to address them.

Finally, she is just simply a good person. That is a quality that I value and expect all of my colleagues would benefit from.

I believe she is extremely well qualified to lead the Department of Energy, and I urge—I truly urge—all of my colleagues to show in this bipartisan vote to confirm her nomination today.

I also yield back the remaining time of our presentation.

#### VOTE ON GRANHOLM NOMINATION

The PRESIDING OFFICER. Under the previous order, the question is, Will the Senate advise and consent to the Granholm nomination?

Mr. MANCHIN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. THUNE. The following Senator is necessarily absent: the Senator from Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 64, nays 35, as follows:

[Rollcall Vote No. 66 Ex.]

#### YEAS—64

Baldwin	Hickenlooper	Reed
Bennet	Hirono	Risch
Blumenthal	Hoeven	Romney
Booker	Johnson	Rosen
Brown	Kaine	Rounds
Burr	Kelly	Sanders
Cantwell	King	Schatz
Cardin	Klobuchar	Schumer
Carper	Leahy	Shaheen
Casey	Lujan	Sinema
Collins	Manchin	Smith
Coons	Markey	Stabenow
Cortez Masto	McConnell	Tester
Cramer	Menendez	Van Hollen
Crapo	Merkley	Warner
Daines	Murkowski	Warnock
Duckworth	Murphy	Warren
Durbin	Murray	Whitehouse
Feinstein	Ossoff	Wyden
Gillibrand	Padilla	Young
Hassan	Peters	
Heinrich	Portman	

#### NAYS—35

Barrasso	Graham	Paul
Blackburn	Grassley	Rubio
Blunt	Hagerty	Sasse
Boozman	Hawley	Scott (FL)
Braun	Hyde-Smith	Scott (SC)
Capito	Inhofe	Shelby
Cassidy	Kennedy	Thune
Cornyn	Lankford	Tillis
Cotton	Lee	Toomey
Cruz	Lummis	Tuberville
Ernst	Marshall	Wicker
Fischer	Moran	

#### NOT VOTING—1

Sullivan

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table, and the President will be immediately notified of the Senate's action.

#### EXECUTIVE CALENDAR

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the following nomination, which the clerk will report.

The bill clerk read the nomination of Miguel A. Cardona, of Connecticut, to be Secretary of Education.

The PRESIDING OFFICER. The Senator from Missouri.

#### JOINT CONGRESSIONAL COMMITTEE ON INAUGURAL CEREMONIES

Mr. BLUNT. Mr. President, on January 20, the world watched as we inaugu-

rated the 46th President of the United States on the west front of the Capitol, as we have done now for the last four decades. But this was the 59th time in our Nation's history that we have gathered to witness one of what has really become one of our most iconic and sacred ceremonies. I described it that day, as President Reagan did 40 years earlier, as "commonplace and miraculous." Commonplace because we have done it every 4 years since 1789; miraculous because we have done it every 4 years since 1789.

This is the second time I have had the privilege to serve as the chairman of the Joint Congressional Committee on Inaugural Ceremonies or, as it is normally known, JCCIC, and that is how I will refer to it in the rest of these remarks. Senator KLOBUCHAR, the ranking member at that time on the Rules Committee, was a big part of helping with that, as were the other four members of that committee.

In a normal year, organizing an inauguration is a major undertaking, but when you add a pandemic and then you add the events of January 6, it is uniquely challenging. Without a doubt, this was an inauguration of twists and turns, where adaptability, creativity, and determination were crucial.

Today, I am here on the floor to thank the staff, the partners, and the volunteers who met those challenges and made this year's inauguration a success.

As I mentioned earlier, the two factors that posed the greatest challenges this year were the pandemic and security. In order to keep the inauguration from becoming a superspreader event, we consulted with public health authorities at the Johns Hopkins Center for Health Security and the Cleveland Clinic. We engaged experts from the National Football League, the Major League Baseball, NASCAR, the National Hockey League, Disney, Ardian Group, and CLEAR about pandemic protocols and technology that relates to them.

We were in regular consultation with the Office of the Attending Physician, particularly Dr. Monahan and his chief of staff, Keith Pray. And we relied on support from the Defense Health Agency and the Department of Health and Human Services' COVID-19 Joint Command Cell. Testing was required for all attendees, and over 7,000 tests were administered at two sites, one in the Capitol and one in the Pentagon.

Masks were required to be worn by all attendees. Graciously, Ford Motor Company produced a significant quantity of masks, truly a first for this or any inauguration, and we are grateful to them, and 3M provided some specialized masks for the limited indoor activities that we had.

The health and safety measures put together really created significant logistical challenges. All of this couldn't have been done without the leadership of Robin Mangan, our director of operations for that health activity and that testing activity. Her team,



Dr. Alex Lazar, who was on sabbatical from MD Anderson; Jordan Wilson was with us from ROB WITTMAN's office; Shannon Ryder, detailed from the Capitol Police Office of Emergency Management to help with that part of what we did.

Security is always the foremost consideration for an inauguration. It is a time of great exposure, frankly, for our democracy and our Nation's leaders.

And, as I said earlier, just 2 weeks earlier, the inaugural platform itself had been stormed and damaged. The officers who fought valiantly that day to protect the Capitol were also in charge, 2 weeks later, with keeping the inauguration safe. And while carrying the burden of the events of January 6, the U.S. Capitol Police officers, with the assistance of the National Guard, ensured that the inauguration was secure and that the events of the day would occur without interruption.

Our committee's Capitol Police liaison, Lieutenant Jillian Jeffers, seamlessly coordinated the work of the JCCIC and the department's Inaugural Task Force. I want to thank Lieutenant Jeffers, the U.S. Capitol Police, and the Inaugural Task Force, along with the National Guard, and the entire Executive Steering Committee, and law enforcement elements of this National Special Security Event for maintaining the security of the Capitol Complex during the inauguration.

Because COVID significantly limited in-person participation, we had to put a particular emphasis on ensuring that people at home could also experience the inauguration. I believe we succeeded. Viewers of the 59th Inaugural Ceremonies totaled more than 108 million people. The enhanced viewing experience provided by JCCIC was viewed by more than 75 million people across social media platforms and the committee's website. This was more than double—surprising to me, at least—the viewership of the traditional national television news broadcast, which tallied about 33.8 million people. In addition, the JCCIC was able to generate 5.2 million individual impressions on Twitter, making it one of the bigger Twitter events ever.

One of the most well-received aspects of the JCCIC production was the narration provided by two Capitol Visitor Center guides, Janet Clemens and Ronn Jackson, who described the various events through the day, offering viewers a behind-the-scenes experience that only somebody who spent day after day totally understanding the Capitol Building could have done.

We appreciate the technical expertise and the creative insights offered us by industry professionals, like Gorilla Flicks and Razor Management, Showcall, Castle Technologies, and TRI Leadership Resources. All of those groups came together to help give us advice and assistance.

I want to especially thank Paige Waltz, the JCCIC's communications director. Paige was on loan from Senator

ROMNEY, and her vigorous efforts to overhaul the JCCIC brand and the website and to realize innovative ways to make our ceremonies more inclusive for Americans and viewers around the world really paid off on inaugural day. I think we can all agree that Paige and her team—Spring Binsted, Corinna Schutte, Channing Foster, and Matthew Mondello—outshined any expectations anybody would have had for what we were able to get across in this different kind of Inauguration Day.

There was much to be seen on what we call "I-Day," as the staff called it, and there is so much that we didn't get a chance to see. The staff worked tirelessly in the background. That is the work we didn't see—the months for some, weeks for others—to make the inaugural presentation seem like it was basically effortless, even though there was incredible effort.

Jen Jett, on loan from Senator WICKER's office, was our director of administration and kept a master timeline, a lengthy document and intricate task that allowed the President to be sworn in before noon, as required by the 20th Amendment to the Constitution. We all watched President Biden take the oath of office at 11:48.

Jen was ably assisted by Abby Stahl, who was the first to greet you when you called or visited the JCCIC offices, as we made preparations for this inauguration.

Todd Beyer, our director of advance, made certain we all knew where to be and when to be there through all the ceremonies of the day. Jackson Blodgett skillfully supported those advanced efforts and facilitated an immense undertaking of credentialed access.

Grace Higgins, hired to support our alternative plans for inclement weather, instead became responsible for successfully managing a complex technical solution and the integration of elaborate health screening processes to ensure everyone's health safety.

Sam Burke, most recently a Marine Corps Senate liaison officer, served as the JCCIC's operation manager and military liaison, where he worked closely with the joint task force officials from the military district of Washington, who also played an incredibly instrumental role on that day.

Martha Scott Poindexter, now the Republican staff director of the Senate Agriculture Committee, served as our director of member services and ticketed and was responsible for assisting Senators, Representatives, Governors, foreign dignitaries, former Presidents, and former Members, frankly, as only she can, through the complexities of participating in this year's ceremonies.

Volunteers manager, Molly Harris Stevens, who was on loan from Representative STAUBER, and Vincent Brown, on loan from Senator KLOBUCHAR's Rules staff, recruited and managed 278 essential volunteers over months of unacknowledged tasks.

Molly also helped design and implement a brandnew and seamless integration of our health and security operation, fielded by our volunteers.

Without the volunteers, an inauguration would not be able to be carried out. We want to thank each of them, and the names of each of them I would like to be printed in the RECORD.

I ask unanimous consent that those names be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### LIST OF VOLUNTEERS

Alexis Alavi, Hannah Albert, Bre Allen, Connor Allison, Alexis Anderson, Nina Andrews, Chelsea Angelo, Jonathan Aquino, Miguel Argueta, Hector Arias, Mauricio Armaza, Anourath Arounlangsy, Abby Atkins, Shallum Atkinson, Molly Austin, Adam Axler, Shahryar Baig, Scott Balough, Jake Barr, Laura Bart, Alec Bartshevich, Andres Bascumbe, Amanda Beaumont, Stewart James Becker, Jenna Behringer, Auburn Bell.

Elizabeth Berry, Jeff Bishop, Meredith Blanford, Zoe Bluffstone, Lyrion Blum-Evitts, Tia Bogeljic, Christopher Boldig, Delanie Bomar, Matthew Bonaccorsi, Abigail Borges, Bradley Bottoms, Taylor Bradley, Robert Braggs III, Anna Brightwell, Thomas Broadbent, India Brooks, LaVontae Brooks, Layla Brooks, Jordan Brossi, Paul Burdette, Benjamin Burnett, Taylor Burnett, Jessica Butherford, Cassandra Byrd, Saskya Cabral, Heather Campbell, Magdalonie Campbell.

Shawn Campbell, Molly Carpenter, Shana Chandler, Mindy Cheng, Robert Clark, Hart Clements, Michael Cobb, Joe Cobly, Maxwell Coker, Donald Cook, John Creedon, Emma Cunningham, Michele Curtis, Miranda Dabney, Evan Dale, Kelsey Daniels, Elizabeth Darnall, Graydon Daubert, Frishta Daud, Alexandra Davis, Tiffany Deliberto, Darlene DeMoss, Joshua DiRenzo, Marie Do, Cole Donaldson, Parker Dorrrough, Sarah Drake.

Luke Dube, MaCherie Dunbar, Joy Durkin, AlmazEgga, Eric Einhorn, Mercedes Erikson, Rachel Erlebacher, Sarah Ferrell, John Fossum, Hannah Fraher, Gabriela Frazier, Sophie Friedfeld-Gebaide, Abe Friedman, Dana Gansman, Jessica Garcia, Benjamin Gardenhour, Renee Gasper, Tiffany Ge, Eric Gebhart, Kristen Gentile, Dianna Gilkerson, Andrew Gleaton, Jaron Goddard, Ruben Goddard, Andre Gonzales, Caroline Goodson, Marissa Goodstone.

Ian Graham, Jacqueline Greco, Max Green, Lindsay Gressard, Kevin Grout, Mary Guenther, Anuj Gupta, Joseph Hack, Joy Hamer, Hailee Hampton, Lillian Hanger, Beverly Hart, Mitch Heidenreich, Carrick Heilferty, Luke Hendrixson, Jessica Hernandez, Zoleiry Hernandez, Alyssa Hinman, Andy Ho, Kaitlin Hooker, Randall Hopkins, Alyse Huffman, Jacob Huls, Hayes Ingraham, Trelaine Ito, Matthew Jansen, Anjunelly Jean-Pierre.

Alexandra Jenkins, Jacob Jernigan, BreYhana Johnson, Caroline Jones, Samuel Kaardal, Elizabeth Kanick, Kellie Karney, Robert Kelly, Jazmine Kemp, Saadia Khan, Shresh Khan, Katherine Kielceski, William Kiley, Lucy Koch, Samantha Koehler, Courtney Koelbel, Aria Kovalovich, Vikram Kulkarni, Ethan Lang, Katherine Lee, Kevin Lefebvre, Nicholas Leiserson, Zach Lewis, Leah Li, Mary Lieb, Jaymi Light, Jeremiah Lofton.

Alana Lomis, Shelby Luce, Richard Luchette, Jenny Luk, Daniel Maher, Meghan Mahoney, Michael Manning, Anna Marshall, Landers Mayer, John McDonald, Kevin McDonald, Trent McFadyen, John McIlveen,

John McInerney, Mary McTague, Alina Meltaus, Jacob Mitchell, Maddie Mitchell, Michelle Morenza, Catherine Morvis, Kelly Moura, Meg Murphy, Jeff Naft, Samuel Negatu, Paul Nicholas, Sedinam Norvor, Gabriela Ochoa.

Jeremy Ortiz, Anna Owens, Karen Owens, Jasmin Palomares, Shivani Pampati, Laura Pastre, Stephanie Penn, Meghan Perez-Acosta, Tracie Pough, Kayla Priehs, India Prophet, Sanjana Puskoor, Ronald Ratliff, Christiana Reasor, Ken Reidy, Anthony Reyes, Margaret Robert, Alivia Roberts, Connor Roberts, Drew Roberts, Frankie Robirds, Andrea Ross, Shauna Rust, Adrienne Salazar, Dana Sandman, Rita Santibanez, Laura Santos.

Naomi Savin, Michelle Schein, Nichelle Schoultz, Athena Schritz, Diane Scott, Riley Scott, Santiago Serrano, Sarah Shapiro, Moh Sharma, Meagan Shepherd, Sara-Paige Silvestro, Annie Simmons, Sam Sjoberg, Alaina Skalski, Cameron Smith, Chandler Smith, Cierra Smith, Jasmine Smith, Wendy Smith, Amy Soukup, Sarah Steinberg, David Stephens, Regan Still, Thomas Story, Aubrey Stuber, Elmamoun Sulfab, Brennan Sullivan.

Mary-Margaret Sullivan, Evelyn Swan, Adrian Swann, Kylie Tanner, Reggie Taylor, Mikael Tessema, Nisha Thanawala, Jackson Thein, Katherine Thomas, Tiana Thomas, Carter Thompson, Heidi Todacheene, Vickie Togans, Dominic Travis, Brian Trott, Sherman Tyllawsky, Ana Unruh Cohen, Sydnee Urick, Daniela Valles, Amy Vanderveer, Cristina Villa, Landy Wade, Nathaniel Wallace, Ellasandra Walsh, Maura Weaver, Mary Werden, Jake Wessel.

Jared Wood, Theresa Wrzesinski, Jasmine Wyatt, Grayson Yachup, Alexandra Yiannoutsos, Elizabeth Yoder, Esther Yoon, Emily Ziegler.

Mr. BLUNT. While the JCCIC had to make the difficult decision to forgo a traditional congressional luncheon this year, we are grateful to partners like Korbel, Lenox, and the Smithsonian American Art Museum for working so closely with us on planning.

Emily Kearney, the first person hired by the JCCIC, who early on worked with our partners at the Government Printing Office to design the tickets, invitations, and programs, is certainly to be commended for her work and to later coordinate and maintain the tradition of gifts presented to the President and Vice President in the Capitol Rotunda.

Lauren McBride, detailed from the House Sergeant at Arms to manage our exercises and rehearsals, expertly led our JCCIC team and core partners through a series of new ways to prepare for inclement weather, and she directed the massive undertaking of the dress rehearsal.

There is also a small group of dedicated staff who returned to support inauguration after inauguration: Celeste Gold, from Senator ROMNEY's office; Michelle Reinshuttle, from the House Appropriations Committee; Tim Mitrovich from the Senate Sergeant at Arms returned to the JCCIC and once again loaned their experience to benefit the ceremonies.

Special thanks to Jen Daulby and Tim Monahan, the Republican staff director and deputy staff director, respectively, of the Committee on House Administration, for their assistance in

the inauguration's performers and program participants.

I also want to thank the JCCIC staff representatives of our committee members, my personal staff, and my Rules Committee staff, who, in addition to their normal duties, were also able to lend their considerable talents and expertise to the JCCIC.

I especially want to thank Rules Committee staff Fitz Elder, who served as the dedicated staff director of the JCCIC, overcame the extraordinary challenges presented to the committee, and was undeniably paramount in the ultimate success of the ceremonies; Rachelle Schroeder, deputy staff director; Jackie Barber, chief counsel; Cindy Qualley, chief clerk; and James Ferenc, director of information technology.

Cami Morrison, the deputy inaugural coordinator, was once again responsible for the organization of the Presidential platform. She seated every single person in attendance and made certain we were 6 feet apart or sitting right by somebody whom we sit by all the time. I am thankful for her tireless efforts, patriotic heart, and inaugural expertise. This was Cami's fifth inauguration on the JCCIC staff.

Maria Lohmeyer, chief of inaugural ceremonies—this is the second inauguration that I have asked Maria to take responsibility for, and she helped once again to plan and execute this in a way that I am very grateful for. I am glad she did it the first time and even more pleased she was willing to come back and do it again. Right before she joined us with JCCIC, she had been deployed to Guantanamo Bay, Cuba, as part of her duties in the Navy Reserve. Maria, ever the determined professional, developed a plan and then another plan and then another plan and then another plan. She built a staff and a positive culture in a really challenging time. She exceeded expectations and with determination made certain that democracy prevailed on January 20.

Finally, I want to thank the Office of the House Chief Administrative Officer; the Appropriations Committee and especially the Legislative Branch Subcommittee clerks, Jessica Berry and Lucas Agnew; Julie Adams and many of the behind-the-scenes staff in the Office of the Senate Secretary, especially Sydney Butler, Senator Curator Melinda Smith, and Senate Historians Betty Koed and Beth Hahn; and Clerk of the House Cheryl Johnson for lending the technical expertise of her communication editorial staff, Catherine Cooke and January Layman-Wood.

I want to thank Architect of the Capitol Brett Blanton and his staff, who not only had to build a platform and put in a sound system, but they had to repair that platform and replace the sound system; from Brett Blanton's staff, in particular Mark Reed, Jason McIntyre, Raynell Bennett, and Dwayne Thomas.

I thank Acting House Sergeant at Arms Tim Blodgett and his staff, espe-

cially Ted Daniel and Davita Jones, and Acting Senate Sergeant at Arms Jennifer Hemingway and her staff, especially Becky Schaaf and Carly Flick.

I also want to thank Acting Chief Pittman of the U.S. Capitol Police and in that case especially Inspector John Erickson, who commanded the ITF and took personal responsibility to safeguard our JCCIC staff.

On January 20, 2021, the world witnessed the 59th inaugural ceremonies—"Our Determined Democracy: Forging a More Perfect Union"—as a periodic event that has really become, as I said earlier, both commonplace and miraculous. The inaugural ceremonies are not only a hallmark of American governance and democracy but also fulfill our constitutional duty and give assurance of our unbroken commitment to continuity, perseverance, and democracy.

With great thanks to everybody mentioned and with tremendous cooperation from Members of the House and Senate, I yield the floor.

The PRESIDING OFFICER. (Mr. KING). The Senator from Minnesota.

Ms. KLOBUCHAR. Mr. President, I wanted to join Senator BLUNT in thanking the JCCIC staff. I see them up there, all 6 feet apart. They are incredible and did such a good job in a really difficult circumstance with this inauguration.

I want to thank Senator BLUNT for his great leadership through thick and thin. There were a lot of hard decisions that had to be made, and he made the right ones. We worked together really well, and the sky was blue when the new President got inaugurated. Somehow he pulled that off as well. So I thank the staff and thank Senator BLUNT for his friendship and his great leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from Illinois.

#### U.S. POSTAL SERVICE

Mr. DURBIN. Mr. President, a lot of people are familiar with this saying. It goes like this:

Neither snow nor rain nor heat nor gloom of night shall [delay] these couriers from the swift completion of their appointed rounds.

That is the motto of the U.S. Postal Service, inscribed on the buildings, and emblazoned in our memories of the dutiful work and awesome responsibility of the U.S. Postal Service throughout our history.

I am proud of the Postal Service, and most Americans are as well. If you ask many people "What is your contact with the Federal Government, the U.S. Federal Government?" they might be hard-pressed to identify it, but when you mention the Postal Service, they say "Of course. Six days a week, my mailman, the person delivering the mail."

During the recent COVID-19 pandemic, many of us stayed home in our neighborhoods for lengthy periods of time. It became a routine that when the mailman came each day, as he did, we went out to greet him with masks



on and chatted for just a moment or two.

It was a tough assignment. They were no longer showing up at 2 p.m. in the afternoon as usual but sometimes 7 and 8 o'clock at night. They kept up with their responsibility.

I say that because I want to preface these remarks by letting everyone know that I am proud of the Postal Service. I will fight to keep it in business serving America, and I know that it is going through extreme hardship at the present time.

But 2 nights ago, I was on a town meeting call with Alderman Leslie Hairston of the Fifth Ward in Chicago. She asked me to come on the call because of the problems that she is having in the Hyde Park area. She wanted me to hear some of the situations that they were facing in the Fifth Ward.

The U.S. Postal Service, unfortunately, is a lifeline that is being threatened at the current time. So many people in Chicago and all across the country depend on it for regular, prompt mail service to deliver everything from birthday cards to bills, cards, checks, and medicine. Yet, for months now, mail delivery has been slow and unpredictable for millions of Americans.

I have heard from many Chicago-area residents, just like I heard the other night, and small businesses that have gone upwards of a month—a month—without the delivery of mail. These delays are having a devastating impact on the lives of families in my State.

One Chicago man said that after receiving no mail for 3 weeks, he went to the local post office to check where his mail was. He waited in line for 6 hours before he finally was given his mail. Another woman wrote me that she worries that missing bills will hurt her credit rating, making it even harder for her to make ends meet. Another woman wrote that she worries that missing bills will hurt not only her credit rating but could hurt her personally by denying basic prescriptions and medicine that she counts on. Small business owners are losing customers because their mail-order deliveries are delayed or just flat disappear.

But this vivid example that brings these together is the story of Ms. Carmella McCoy Gonzalez. She has a disability. She is unable to travel really much outside her home—restrictions that have become even more constraining during the pandemic. Ms. McCoy Gonzalez suffers from high blood pressure and a heart condition, making her regular delivery of medication essential. However, she reports that for the past few months, she and her neighbors are lucky if they get mail delivered one day a week. She told my office that a shipment of medicine sent on February 8 didn't reach her home until February 23, while others just simply didn't arrive at all.

When they reached out to the local post office, they were told that they wouldn't be getting any mail because

there weren't enough carriers to deliver it. In fact, a report from the Postal Service Office of the Inspector General in early February found that the reason there weren't enough postal carriers to deliver the mail is that the administrators just hadn't bothered removing the names of employees who no longer worked there. This meant they weren't able to bring in additional staff when needed to deliver a growing backlog of delayed mail.

The report noted that more than 60,000—60,000—pieces of mail had been delayed in Chicago neighborhoods over a period of several weeks. These delays are not new, and they are certainly not confined to Chicago. U.S. Postal Service customers in many States have endured delays and other problems with mail service for months. Veterans are going without medication that has been mailed to them from the VA. Small businesses are missing delivery dates. Families are missing paychecks and not receiving notices of premiums due in time.

Timely, reliable mail delivery is always important, and it is especially critical now. Receiving medications and other important deliveries enables people to stay safely at home rather than venturing out and risking COVID infections.

Regular mail service helps sustain the economy during an unprecedented public health crisis by providing a low-cost shipping option for small businesses that are struggling to survive. Yet, rather than focusing on how to fix the current delivery delays, U.S. Postal Service leaders are now considering changes that could result in higher prices and even more delays. This is no plan to fix the Postal Service; it is a plan to sabotage the Postal Service in order to benefit its commercial competitors.

Cut service, raise prices, then lose customers because you cut services and raised prices, and then just repeat that destructive cycle again and again until there are little or no customers left—that is the plan of the Postal Service under Postmaster General DeJoy, and Congress needs to step in. We must demand that the Postmaster General implement new policies and operational changes immediately to end delivery delays in Chicago and across the country. Congress needs to ensure the Postal Service has all the resources and tools it needs to provide reliable and affordable services during this critical time and to come out of this pandemic on secure financial footing.

Our Founders understood that reliable and affordable mail service was essential to our economy and our national unity. The Postal Service is the one public service that is so important that it is actually mentioned by name in the Constitution. We cannot allow its temporary custodians, appointed by the previous administration, to kill it with a death of a thousand cuts in order to enrich private competitors, especially during this pandemic.

This situation is grave and serious. For a lot of people, the delay of a day or two in receiving mail is just an inconvenience; for others, it could be a matter of life or death literally when so many medicines are moving through the mail, prescriptions and medications that people count on for their livelihood. And it really is something that has been so fundamental in America.

We have to ask the basic question: What is going on here? I am happy to report that yesterday the Biden administration announced that they were appointing three new Governors to fill three vacancies on the Postal Board of Governors. Those vacancies have been too long in festering and creating the situation we have today.

The Postmaster General, Mr. DeJoy, who came to this position in controversy when he started suggesting he was going to delay the delivery of ballots in the previous election of November 3, is adamant that he is going to continue on his mission. We have to intervene on behalf of the people whom we represent and on behalf of this country.

I stand by the Postal Service. I believe in the men and women who make it work. And everyone I have met—certainly in my neighborhood and the ones who have been coming to my home over the years—almost became a part of the family. I knew all about their families and some of the problems and wonderful things that were happening in their lives. That was part of the experience, the postal experience, in smalltown America that we want to preserve. But when it comes to the big cities, we have to be sensitive to that as well. When massive amounts of mail are being held in trailer trucks behind the post office, not being sorted and delivered, it is just absolutely, positively unacceptable.

If COVID-19 among the workforce is one of the reasons, let's address that directly—in terms of vaccinations, No. 1; in terms of replacement employees or temporary employees, No. 2; whatever it takes to keep the Postal Service at the highest quality.

I urge my colleagues, when you go home, if you are hearing the same stories about the U.S. Postal Service, let's make this a bipartisan response. Families and businesses and vulnerable individuals across America are counting on us.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

REMEMBERING MAXINE HORNER

Mr. LANKFORD. Mr. President, in 1932, 11 years after the Tulsa Race Massacre, Maxine Horner was born in Tulsa, OK. She was Maxine Cissel at the time. She grew up in segregated Greenwood, a district recovering from the devastating effects of the massacre, just a little over a decade before.

Her parents were exceptionally protective and instructed Maxine and her siblings not to go into certain stores in

downtown Tulsa, knowing their children wouldn't be welcome. They didn't want their children to experience the pain and humiliation of being told to leave a store or to not sit at that end of the counter.

Her mother once told her, though:

Never let the color of your skin get in the way of achieving your goals. If you put your mind to it, you can do anything and be anyone.

Maxine was part of the first class to graduate from Booker T. Washington High School, which, at the time, was an all-Black school. She was proud of the education she received at Booker T. and spent 2 years studying at Wiley College before returning back to Tulsa.

She got a job working for Congressman James Jones, an opportunity that sparked some political ambitions in her. In her fifties, she returned back to school and received a bachelor's degree from Langston University in 1985. Despite being decades older than her fellow classmates and occasionally being mistaken to be the professor in her class rather than one of the other students, she finished her education.

In 1986, she ran for the Oklahoma State Senate and became one of two women to be elected for the first time into the Oklahoma State Senate as an African American.

Maxine was a true trailblazer. She worked hard for her constituents, and she championed education and the arts.

Her life was full of some poetic justice, quite frankly. She grew up in the Greenwood District in the wake of the Tulsa Race Massacre, but in the late 1990s, she sponsored the State legislation that created the Tulsa Race Riot Commission. She also cofounded the Greenwood Cultural Center. After she left office, she continued to fight for the victims of the massacre and chaired the committee overseeing the search for the burial sites—work that is still going on today.

As a young teen, she recalls going into the Tulsa Union Depot and seeing drinking fountains labeled "Colored" and "White." But as a State senator, she sponsored the legislation that created the Oklahoma Jazz Hall of Fame, which now occupies the old Tulsa Union Depot building, where they don't have drinking fountains labeled "Black" or "Colored" and "White."

As a student, she attended segregated schools. As a Senator, she championed the Oklahoma Higher Learning Access Program or what we now call Oklahoma's Promise—a scholarship program for low and middle-income students in Oklahoma. Oklahoma's Promise helped over 75,000 young Oklahomans pursue higher education. She left quite a legacy.

Two weeks ago, on February 8, Oklahoma lost this transformational giant. Maxine Horner passed away at the age of 88, and she will be certainly missed by her families, and she will be missed by Oklahoma.

REMEMBERING VICKI MILES-LAGRANGE

Mr. President, I did mention that in 1986 she was one of two ladies who were

African American who were elected in the State senate that year—the first ladies who were African American to be elected into our State senate. The other lady was a dear friend, Vicki Miles-LaGrange. She is younger. She was born in 1953 in a segregated hospital in Oklahoma City.

She grew up in a loving home with her parents and older sister. Her parents were well-respected educators in Oklahoma City. They both got their master's degrees from the University of Oklahoma in 1955, just 7 years after Ada Lois Sipuel won her case at the Supreme Court to allow Black Oklahomans to even attend the University of Oklahoma.

As a young girl, she was interested in government. And when her friend's mother, Hannah Atkins, decided to run for the Oklahoma House of Representatives, Vicki helped out, even as a teenager. She became what they put together called Hannah's Helpers, a group of young people who campaigned for Hannah Atkins. And Atkins won her race and became the first Black female to serve in the Oklahoma House of Representatives.

Vicki attended McGuinness High School. She stayed involved in a little bit of politics there, participating in Girls State. Asking a mutual friend, Patrick McGuigan, who I am convinced had a crush on her when they were in high school—asking Patrick about that time, he recounts the stories and has written even in some of his writings about how Vicki went to Girls State and was elected governor of the Oklahoma Girls State Program that year, but when the sponsoring organization decided who they were going to send to Girls Nation, they for the first time did not send the governor; they chose to send the lieutenant governor. That is what Vicki faced as she grew up.

She attended Vassar College, and at 18 became a delegate at the Democratic Oklahoma State Convention. It was there that she met Carl Albert, who told her that if she ever ended up in DC to look him up and to come work for him. Well, that is all you would have to tell Vicki. She attended Howard University Law School, walked right into the Speaker of the House's office one day here at the Capitol and convinced Carl Albert that he should remember his offer, and she became an intern in his office immediately while she pursued her law degree.

This was not an unusual thing for Vicki. After graduating law school, she clerked for a Federal judge in Houston, joined the criminal division of the Department of Justice, where she helped prosecute Nazi war criminals.

In 1983, she decided she wanted to return to Oklahoma. So she returned, though she was rejected for an office in the U.S. Attorney's Office—ironic because later she became the U.S. attorney for the Western District. She walked right into the district attorney's office, Bob Macy's office, resume in hand, no appointment, and asked to

be able to speak with him. And she waited outside of his office until he came out of his office. He came out for lunch and walked out with a job offer after that.

In 1986, she decided to run for State senate. This was the same year Maxine ran as well. Her dad, a former industrial arts teacher, helped fix up her campaign headquarters. Her mother and her mother's best friend were her campaign managers, and she won that race and unseated Senator Porter, a 22-year incumbent.

When you look at Vicki's life, there are a lot of firsts. Along with Maxine Horner, she was the first African-American female to be elected to the Oklahoma State Senate. In 1993, she became the first African-American woman to become the U.S. attorney for the Western District of Oklahoma. A year later, in 1994, President Clinton appointed her to be the U.S. district judge for the Western District of Oklahoma. She was the first African-American Federal judge among the six States that make up the Tenth Circuit of that Federal jurisdiction.

She was appointed by Chief Justice William Rehnquist in the U.S. Supreme Court as a member of the International Judicial Relations Committee of the Judicial Conference of the United States.

Shortly after, when she became a Federal judge, the horrific genocide unfolded in Rwanda. Vicki advocated for an independent judiciary in Rwanda and was part of a group of international legal experts who were sent to Rwanda to help reform the system. She made eight trips to Rwanda at her own personal risk. In 2006, she was awarded the Fern Holland Courageous Lawyer Award from the Oklahoma Bar Association.

In 2013, she was inducted into the Oklahoma Hall of Fame, the highest honor an Oklahoman can receive for their contributions to the State.

She received many other awards, including the Oklahoma Bar Association's Women Trailblazer Award.

In the early 1960s, she was so inspired by President Kennedy's inaugural address that she wrote to him to say how happy she was that he was President. One of his advisers actually wrote her a letter back. She kept that letter, and, in fact, she hung it in her office while she was a judge. She was quoted as saying that, above all else, she is a career public servant. There was a newspaper article when she took her very last case in 2018 as a Federal judge, and it quoted back to 1994 when she was in front of this Senate for confirmation hearings, being the first African-American judge ever in the Tenth Circuit. And she said this:

My race will not determine my decisions.

She said: I don't want to be known as a good Black judge. I want to be a respected and good and fair judge.

Vicki Miles-LaGrange, that is exactly how we remember you.

Oklahoma is proud of these two ladies and what they have done. We are

proud to call them fellow Oklahomans in the trailblazing that they have done.

Thanks for your leadership.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, we are all representative of heroes and idols and, clearly, my colleague from Oklahoma appoints several out from his home State.

Mr. President, I ask unanimous consent that I complete my remarks before we go to the vote this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### NOMINATION OF MIGUEL A. CARDONA

Mr. BURR. Mr. President, I rise today to support the nomination of Miguel Cardona to be the next Secretary of Education. He has the background, qualifications, and the temperament to serve in this position. Dr. Cardona has a meteoric rise from a classroom teacher to a school principal, to a commissioner of education for the State of Connecticut.

I am glad the President has nominated him to lead the Education Department in such a challenging time for our Nation's schools.

COVID-19 related school closures have led to significant learning losses, with millions of children stuck at home, trying to learn. Parents are at their wits' end because many of the adults running public schools across our country are failing to actually follow the science. We should be seriously talking about reopening schools as quickly as possible. That is what the science tells us, and that is what students need.

Dr. Cardona testified before the Senate HELP Committee. He stressed the need for students to get back to school, and I am glad that is now, finally, a bipartisan mission.

At the same time, each school district, college, university, State and local community faces different circumstances in dealing with this pandemic. Trying to treat them as a monolith instead of providing flexible advice for States and localities to use if applicable and useful would be a mistake.

Dr. Cardona said he understands that one-size-fits-all mandates from Washington won't work. Dr. Cardona also agreed to be responsive to our oversight requests and to keep us updated on his plans and Department action. We won't agree on everything, but we should be able to find places where we can agree and we can move forward.

I support the nomination of Dr. Cardona and look forward to working with him, and I encourage my colleagues to support his nomination as well.

#### SECURITY

Mr. President, on a personal note, it is time to take the fences down around this Capitol. To leave them up—it is not about security. It is about an attempt to say: We are really, really important. We work here.

Let me say what I think most of my colleagues believe. We aren't. We are

like everyone whom we represent and whom Lincoln referred to as common folks.

At one time, this was a shining city on a hill, and today we have made it into a bunker on the Hill. The message that sends globally, the message that it sends domestically, is wrong. It is time for us to take these 4,000 national guardsmen and let them go see their families versus for 24 hours a day to patrol when we don't even provide them a cafeteria that is open at night. They eat out of vending machines or they bring what they eat.

We thank all of these individuals for the safety they have provided us after a horrendous January 6 event. Now it is past time for us to open up this campus and to allow DC, the District of Columbia, to fully open up to the tourism that they thrive off of.

I thank the President for his indulgence.

I yield the floor.

#### CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

#### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the nomination of Executive Calendar No. 16, Miguel A. Cardona, of Connecticut, to be Secretary of Education.

Charles E. Schumer, Cory A. Booker, Jon Ossoff, Richard Blumenthal, Richard J. Durbin, Alex Padilla, Christopher A. Coons, Sheldon Whitehouse, Robert Menendez, Benjamin L. Cardin, Kirsten E. Gillibrand, Tim Kaine, Tammy Baldwin, Ron Wyden, Mazie Hirono, Tammy Duckworth, Sherrod Brown.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Miguel A. Cardona, of Connecticut, to be Secretary of Education, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. THUNE. The following Senators are necessarily absent: the Senator from Oklahoma (Mr. INHOFE) and the Senator from Alaska (Mr. SULLIVAN).

The PRESIDING OFFICER (Mr. VAN HOLLEN). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 66, nays 32, as follows:

[Rollcall Vote No. 67 Ex.]

#### YEAS—66

Baldwin	Capito	Cornyn
Bennet	Cardin	Cortez Masto
Blumenthal	Carper	Duckworth
Booker	Casey	Durbin
Brown	Cassidy	Feinstein
Burr	Collins	Fischer
Cantwell	Coons	Gillibrand

Grassley	McConnell	Sanders
Hassan	Menendez	Schatz
Heinrich	Merkley	Schumer
Hickenlooper	Moran	Shaheen
Hirono	Murkowski	Sinema
Hyde-Smith	Murphy	Smith
Johnson	Murray	Stabenow
Kaine	Ossoff	Tester
Kelly	Padilla	Tillis
King	Peters	Van Hollen
Klobuchar	Portman	Warner
Leahy	Reed	Warnock
Lujan	Romney	Warren
Manchin	Rosen	Whitehouse
Markey	Rubio	Wyden

#### NAYS—32

Barrasso	Graham	Rounds
Blackburn	Hagerty	Sasse
Blunt	Hawley	Scott (FL)
Boozman	Hoeben	Scott (SC)
Braun	Kennedy	Shelby
Cotton	Lankford	Thune
Cramer	Lee	Toomey
Crapo	Lummis	Tuberville
Cruz	Marshall	Wicker
Daines	Paul	Young
Ernst	Risch	

#### NOT VOTING—2

Inhofe	Sullivan
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The PRESIDING OFFICER. The yeas are 66, the nays are 32.

The motion is agreed to.

The PRESIDING OFFICER. The Senator from Nevada.

#### EXECUTIVE CALENDAR

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 18 through 25 and all nominations placed on the Secretary's desk in the Air Force, Army, Marine Corps, Navy, and Space Force Service; that the nominations be confirmed en bloc; that the motions to reconsider be considered made and laid upon the table en bloc with no intervening action or debate; that no further motions be in order to any of the nominations; that the President be immediately notified of the Senate's action and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

#### IN THE AIR FORCE

The following named officers for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. Anthony P. Angello  
Col. Frank L. Bradfield, III  
Col. Howard Travis Clark, III  
Col. Robert W. Claude  
Col. Lisa M. Craig  
Col. Mitchell A. Hanson  
Col. Jennie R. Johnson  
Col. Andrew J. Leone  
Col. John D. McKaye  
Col. Craig McPike  
Col. Kevin J. Roethe  
Col. Regina A. Sabric  
Col. Michael T. Schultz

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

#### To be brigadier general

Col. John M. Painter

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Bonnie Joy Bosler

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be brigadier general*

Col. Michael A. Battle

The following named officer for appointment in the Reserve of the Air Force to the grade indicated under title 10, U.S.C., section 12203:

*To be major general*

Brig. Gen. Mitchel Neurock

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Lt. Gen. James E. Rainey

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

*To be lieutenant general*

Maj. Gen. Maria R. Gervais

The following named officer for appointment in the United States Army to the grade indicated under title 10, U.S.C., section 624:

*To be major general*

Brig. Gen. Richard E. Angle  
Brig. Gen. James E. Bonner  
Brig. Gen. Michele H. Bredenkamp  
Brig. Gen. Richard R. Coffman  
Brig. Gen. Charles D. Costanza  
Brig. Gen. Robert L. Edmonson, II  
Brig. Gen. Brian S. Efler  
Brig. Gen. James J. Gallivan  
Brig. Gen. Anthony R. Hale  
Brig. Gen. William J. Hartman  
Brig. Gen. Donn H. Hill  
Brig. Gen. David M. Hodne  
Brig. Gen. Heidi J. Hoyle  
Brig. Gen. Scott A. Jackson  
Brig. Gen. Mark H. Landes  
Brig. Gen. Christopher C. LaNeve  
Brig. Gen. David A. Lesperance  
Brig. Gen. Charles R. Miller  
Brig. Gen. Michael T. Morrissey  
Brig. Gen. Allan M. Pepin  
Brig. Gen. Anthony W. Potts  
Brig. Gen. Walter T. Rugen  
Brig. Gen. Douglas F. Stitt  
Brig. Gen. Darren L. Werner

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN45 AIR FORCE nominations (2) beginning TRAVIS D. BELLICCHI, and ending PAUL S. SMITH, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN46 AIR FORCE nominations (5) beginning JOEL R. BISCHOFF, and ending WAYNE T. SLETTEN, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN47 AIR FORCE nominations (5) beginning JOHN D. CALDWELL, and ending MARION R. WENDALL, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN48 AIR FORCE nominations (15) beginning ANDREW C. GORDON, and ending RICHARD G. WITTMAYER, III, which nomi-

nations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN49 AIR FORCE nomination of Alexander O. Kirkpatrick, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN50 AIR FORCE nominations (3) beginning JAMILA G. EVANS, and ending DEVAN M. THOMPSON, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

IN THE ARMY

PN51 ARMY nomination of Terra L. Dawes, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN52 ARMY nominations (89) beginning RACHELE A. ADKINS, and ending AARON G. YEE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN53 ARMY nomination of Clifton C. Kyle, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN54 ARMY nomination of Dewayne L. Deener, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

IN THE MARINE CORPS

PN58 MARINE CORPS nomination of Christopher L. Hardin, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN60 MARINE CORPS nominations (2) beginning MICHAEL S. DEWEY, and ending PAUL M. HERRLE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN64 MARINE CORPS nomination of Jameel A. Ali, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN65 MARINE CORPS nominations (4) beginning TIMOTHY M. LANDWERLEN, and ending LONG N. VO, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN67 MARINE CORPS nomination of Jason M. Davis, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN68 MARINE CORPS nominations (6) beginning STEVEN L. FERWERDA, and ending WEIGUO R. XU, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN69 MARINE CORPS nominations (3) beginning BENJAMIN D. KASTNING, and ending PAUL F. THOMAS, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN70 MARINE CORPS nominations (5) beginning DAVID W. DIXON, JR., and ending THOMAS R. RICE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN71 MARINE CORPS nomination of Aaron Mora, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN72 MARINE CORPS nominations (3) beginning MARIO J. ARELLANO, and ending THOMAS B. WHITE, JR., which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN73 MARINE CORPS nominations (3) beginning KELLY E. DAYTON, and ending RICHARD L. RAINES, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN74 MARINE CORPS nominations (5) beginning ISMAEL ALICEA, and ending ALFREDO TOPETE, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

PN75 MARINE CORPS nominations (34) beginning JAMES L. BIGGERS, JR., and ending CARL M. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of January 6, 2021.

IN THE NAVY

PN55 NAVY nomination of Mondre X. Barnes, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

IN THE SPACE FORCE

PN77 SPACE FORCE nomination of Joshua D. King, which was received by the Senate and appeared in the Congressional Record of January 6, 2021.

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to legislative session for a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOMMA ACT

Mr. DURBIN. Mr. President, this week America reached a heartbreaking milestone, one that would have seemed unthinkable a year ago. We have now lost more than 500,000 Americans to the COVID-19 pandemic. That is one in every five COVID-19 deaths in the world. We have lost mothers and fathers, sisters and brothers, friends, neighbors, and coworkers. On Monday evening, President Biden, Vice President Harris, and their spouses remembered all of these lost souls in a moving ceremony at the White House. Behind them, 500 flickering candles lined the White House stairs, each candle representing a thousand lives cut short by the virus, a thousand grieving families. In addition, more than 28 million Americans have been infected by the coronavirus in this pandemic.

No State, no community in America, has been spared in this sadness. In my State of Illinois, COVID-19 has claimed more than 20,000 lives. My heart goes out to and every American trying to survive in this terribly difficult year. I have heard others say, and I agree: This pandemic will not break us, but it is showing us where we are broken. Like so many other diseases and health conditions, the pandemic has inflicted disproportionate harm on people and communities of color—Black Americans, Native Americans, and members of the Latinx community.

Black Americans get sick and die of COVID at 1.5 times the rate of White Americans. Despite their greater risks of infection and death, people of color are receiving COVID vaccinations at less than half the rate as White Americans. In Illinois, Black residents make up 15 percent and Latinx residents make up 18 percent of our State's population, yet each group accounts for

only 8 percent of the COVID vaccines allocated so far.

Sadly, these statistics come as no surprise. America has a long history of medical inequality. From premature births to premature deaths, people of color suffer disproportionately from America's troubled health care system. People of color in America suffer more chronic and acute health conditions. They are more likely to go without needed medical care, and they have shorter life expectancies. According to new estimates from the CDC, life expectancy in the United States fell by a full year as COVID-19 swept through the Nation last year—the steepest decline in life expectancy since World War II. Again, the pain was unequal. Latinx Americans' life expectancy declined by 2 years and Black Americans' by 3 years. The reasons for the disparities are many and varied, but they include unequal access to affordable healthcare, inadequate research, and too few healthcare professionals of color.

Martin Luther King called healthcare inequality “the most shocking and inhumane” form of injustice. Far too often, this inequality begins even before birth. It should shock our consciences that the United States, one of the wealthiest nations on Earth, has one of the world's poorest records for maternal and infant health. Think of this: The United States is one of only 13 nations in the world where the maternal mortality rate is worse now than it was 25 years ago. Every year in America, nearly 1,000 women die from pregnancy-related complications and 70,000 others suffer near-fatal complications as a result of pregnancy. Now consider this: Women of color in the United States are three times more likely than White women to die as a result of their pregnancy. In Illinois, they are six times as likely to die. What makes these maternal deaths even more tragic is that an estimated 60 percent of them are preventable. The same is true of many infant deaths. Every year in America, more than 23,000 infants die due to factors that, in many cases, could be prevented. Among the 35 wealthiest nations in the world, the United States ranks 32nd in infant mortality. Again, the risks are unequal. Black babies are twice as likely to die in their first year of life as White babies.

I have given a lot of thought and spoken with many experts about how we can bridge this racial divide. This week, I am reintroducing a bill with Senator DUCKWORTH that I believe can decrease America's rates of maternal and infant sickness and deaths, especially among those of color. It is called the MOMMA Act. My companion in the House is Congresswoman ROBIN KELLY of Chicago. She and I have introduced this bill for the last two Congresses. It is time to make it law.

First and foremost, the MOMMA Act would expand Medicaid coverage for new moms from 60 days to a full year

postpartum. Making sure new moms have health coverage for a full year postpregnancy will go a long way toward catching, preventing, and treating potentially life-threatening conditions and problems. This is critical because in some States—like Illinois—nearly 60 percent of pregnancy-associated deaths occur between 43 and 364 days postpartum. Many States' Medicaid Programs, including Illinois's are strapped for cash, and the pandemic has increased their shortfalls. In addition, our bill would provide States with guidance and options to expand their Medicaid coverage to include doulas, who are often invaluable assets and advocates for pregnant women. Next, our bill would save lives by improving health care education and training to reduce the unconscious biases and discrimination that woman of color too often encounter from healthcare professionals. Lastly, our bill would improve hospital coordination and reporting on maternal health outcomes. Accurate reporting will enable us to chart our progress and make adjustments where and when they are needed.

Among the women at greatest risk of pregnancy-related health complications are women who are incarcerated. Again, the risks for Black women are greater. To help these mothers and their babies, Senator BOOKER and I have introduced a separate bill. The Justice for Incarcerated Moms Act helps incarcerated pregnant women and new mothers with access to doulas and other health workers, as well as counseling, because a jail sentence should never be a death sentence for a mother or her newborn. As the poet Maya Angelou told us, we can't change the past. But when we know better, we must do better. We now know how we can do better to protect the lives of pregnant women and newborn babies. I urge my colleagues to join us in supporting these two important measures to give mothers and babies the healthy start in life that they deserve.

#### SENATE COMMITTEE ON FINANCE RULES OF PROCEDURE

Mr. WYDEN. Mr. President the Committee on Finance has adopted rules governing its procedures for the 117th Congress. Pursuant to rule XXVI, paragraph 2, of the Standing Rules of the Senate, I ask unanimous consent that the accompanying rules for the Senate Committee on Finance be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### COMMITTEE ON FINANCE

##### I. RULES OF PROCEDURE

(ADOPTED FEBRUARY XX, 2021)

Rule 1. Regular Meeting Days.—The regular meeting day of the committee shall be the second and fourth Tuesday of each month, except that if there be no business before the committee the regular meeting shall be omitted.

Rule 2. Committee Meetings.—(a) Except as provided by paragraph 3 of Rule XXVI of

the Standing Rules of the Senate (relating to special meetings called by a majority of the committee) and subsection (b) of this rule, committee meetings, for the conduct of business, for the purpose of holding hearings, or for any other purpose, shall be called by the chairman after consultation with the ranking minority member. Members will be notified of committee meetings at least 48 hours in advance, unless the chairman determines that an emergency situation requires a meeting on shorter notice. The notification will include a written agenda together with materials prepared by the staff relating to that agenda. After the agenda for a committee meeting is published and distributed, no nongermane items may be brought up during that meeting unless at least two-thirds of the members present agree to consider those items.

(b) In the absence of the chairman, meetings of the committee may be called by the ranking majority member of the committee who is present, provided authority to call meetings has been delegated to such member by the chairman.

Rule 3. Presiding Officer.—(a) The chairman shall preside at all meetings and hearings of the committee except that in his absence the ranking majority member who is present at the meeting shall preside.

(b) Notwithstanding the rule prescribed by subsection (a) any member of the committee may preside over the conduct of a hearing.

Rule 4. Quorums.—(a) Except as provided in subsection (b) one-third of the membership of the committee, including not less than one member of the majority party and one member of the minority party, shall constitute a quorum for the conduct of business.

(b) Notwithstanding the rule prescribed by subsection (a), one member shall constitute a quorum for the purpose of conducting a hearing.

Rule 5. Reporting of Measures or Recommendations.—No measure or recommendation shall be reported from the committee unless a majority of the committee is actually present and a majority of those present concur.

Rule 6. Proxy Voting; Polling.—(a) Except as provided by paragraph 7(a)(3) of Rule XXVI of the Standing Rules of the Senate (relating to limitation on use of proxy voting to report a measure or matter), members who are unable to be present may have their vote recorded by proxy.

(b) At the discretion of the committee, members who are unable to be present and whose vote has not been cast by proxy may be polled for the purpose of recording their vote on any rollcall taken by the committee.

Rule 7. Order of Motions.—When several motions are before the committee dealing with related or overlapping matters, the chairman may specify the order in which the motions shall be voted upon.

Rule 8. Bringing a Matter to a Vote.—If the chairman determines that a motion or amendment has been adequately debated, he may call for a vote on such motion or amendment, and the vote shall then be taken, unless the committee votes to continue debate on such motion or amendment, as the case may be. The vote on a motion to continue debate on any motion or amendment shall be taken without debate.

Rule 9. Public Announcement of Committee Votes.—Pursuant to paragraph 7(b) of Rule XXVI of the Standing Rules of the Senate (relating to public announcement of votes), the results of rollcall votes taken by the committee on any measure (or amendment thereto) or matter shall be announced publicly not later than the day on which such measure or matter is ordered reported from the committee.

Rule 10. Subpoenas.—Witnesses and memoranda, documents, and records may be subpoenaed by the chairman of the committee

with the agreement of the ranking minority member or by a majority vote of the committee. Subpoenas for attendance of witnesses and the production of memoranda, documents, and records shall be issued by the chairman, or by any other member of the committee designated by him.

**Rule 11. Nominations.**—In considering a nomination, the committee may conduct an investigation or review of the nominee's experience, qualifications, and suitability, to serve in the position to which he or she has been nominated. To aid in such investigation or review, each nominee may be required to submit a sworn detailed statement including biographical, financial, policy, and other information which the committee may request. The committee may specify which items in such statement are to be received on a confidential basis. Witnesses called to testify on the nomination may be required to testify under oath.

**Rule 12. Open Committee Hearings.**—To the extent required by paragraph 5 of Rule XXVI of the Standing Rules of the Senate (relating to limitations on open hearings), each hearing conducted by the committee shall be open to the public.

**Rule 13. Announcement of Hearings.**—The committee shall undertake consistent with the provisions of paragraph 4(a) of Rule XXVI of the Standing Rules of the Senate (relating to public notice of committee hearings) to issue public announcements of hearings it intends to hold at least one week prior to the commencement of such hearings.

**Rule 14. Witnesses at Hearings.**—(a) Each witness who is scheduled to testify at any hearing must submit his written testimony to the staff director not later than noon of the business day immediately before the last business day preceding the day on which he is scheduled to appear. Such written testimony shall be accompanied by a brief summary of the principal points covered in the written testimony. Having submitted his written testimony, the witness shall be allowed not more than ten minutes for oral presentation of his statement.

(b) Witnesses may not read their entire written testimony, but must confine their oral presentation to a summarization of their arguments.

(c) Witnesses shall observe proper standards of dignity, decorum, and propriety while presenting their views to the committee. Any witness who violates this rule shall be dismissed, and his testimony (both oral and written) shall not appear in the record of the hearing.

(d) In scheduling witnesses for hearings, the staff shall attempt to schedule witnesses so as to attain a balance of views early in the hearings. Every member of the committee may designate witnesses who will appear before the committee to testify. To the extent that a witness designated by a member cannot be scheduled to testify during the time set aside for the hearing, a special time will be set aside for the witness to testify if the member designating that witness is available at that time to chair the hearing.

**Rule 15. Audiences.**—Persons admitted into the audience for open hearings of the committee shall conduct themselves with the dignity, decorum, courtesy, and propriety traditionally observed by the Senate. Demonstrations of approval or disapproval of any statement or act by any member or witness are not allowed. Persons creating confusion or distractions or otherwise disrupting the orderly proceeding of the hearing shall be expelled from the hearing.

**Rule 16. Broadcasting of Hearings.**—(a) Broadcasting of open hearings by television or radio coverage shall be allowed upon approval by the chairman of a request filed with the staff director not later than noon of

the day before the day on which such coverage is desired.

(b) If such approval is granted, broadcasting coverage of the hearing shall be conducted unobtrusively and in accordance with the standards of dignity, propriety, courtesy, and decorum traditionally observed by the Senate.

(c) Equipment necessary for coverage by television and radio media shall not be installed in, or removed from, the hearing room while the committee is in session.

(d) Additional lighting may be installed in the hearing room by the media in order to raise the ambient lighting level to the lowest level necessary to provide adequate television coverage of the hearing at the then current state of the art of television coverage.

(e) The additional lighting authorized by subsection (d) of this rule shall not be directed into the eyes of any members of the committee or of any witness, and at the request of any such member or witness, offending lighting shall be extinguished.

**Rule 17. Subcommittees.**—(a) The chairman, subject to the approval of the committee, shall appoint legislative subcommittees. The ranking minority member shall recommend to the chairman appointment of minority members to the subcommittees. All legislation shall be kept on the full committee calendar unless a majority of the members present and voting agree to refer specific legislation to an appropriate subcommittee.

(b) The chairman may limit the period during which House-passed legislation referred to a subcommittee under paragraph (a) will remain in that subcommittee. At the end of that period, the legislation will be restored to the full committee calendar. The period referred to in the preceding sentences should be 6 weeks, but may be extended in the event that adjournment or a long recess is imminent.

(c) All decisions of the chairman are subject to approval or modification by a majority vote of the committee.

(d) The full committee may at any time by majority vote of those members present discharge a subcommittee from further consideration of a specific piece of legislation.

(e) The chairman and ranking minority members shall serve as nonvoting ex officio members of the subcommittees on which they do not serve as voting members.

(f) Any member of the committee may attend hearings held by any subcommittee and question witnesses testifying before that subcommittee.

(g) Subcommittee meeting times shall be coordinated by the staff director to ensure that—

(1) no subcommittee meeting will be held when the committee is in executive session, except by unanimous consent;

(2) no more than one subcommittee will meet when the full committee is holding hearings; and

(3) not more than two subcommittees will meet at the same time. Notwithstanding paragraphs (2) and (3), a subcommittee may meet when the full committee is holding hearings and two subcommittees may meet at the same time only upon the approval of the chairman and the ranking minority member of the committee and subcommittees involved.

(h) All nominations shall be considered by the full committee.

(i) The chairman will attempt to schedule reasonably frequent meetings of the full committee to permit consideration of legislation reported favorably to the committee by the subcommittees.

**Rule 18. Transcripts of Committee Meetings.**—An accurate record shall be kept of all

markups of the committee, whether they be open or closed to the public. A transcript, marked as "uncorrected," shall be available for inspection by members of the Senate, or members of the committee together with their staffs, at any time. Not later than 21 business days after the meeting occurs, the committee shall make publicly available through the Internet—

(a) a video recording;

(b) an audio recording; or

(c) after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements, a corrected transcript.

Notwithstanding the above, in the case of the record of an executive session of the committee that is closed to the public pursuant to Rule XXVI of the Standing Rules of the Senate, the record shall not be published or made public in any way except by majority vote of the committee after all members of the committee have had a reasonable opportunity to correct their remarks for grammatical errors or to accurately reflect statements made.

**Rule 19. Amendment of Rules.**—The foregoing rules may be added to, modified, amended, or suspended at any time.

## II. EXCERPTS FROM THE STANDING RULES OF THE SENATE RELATING TO STANDING COMMITTEES

### RULE XXV STANDING COMMITTEES

1. The following standing committees shall be appointed at the commencement of each Congress, and shall continue and have the power to act until their successors are appointed, with leave to report by bill or otherwise on matters within their respective jurisdictions:

(i) Committee on Finance, to which committee shall be referred all proposed legislation, messages, petitions, memorials, and other matters relating to the following subjects:

1. Bonded debt of the United States, except as provided in the Congressional Budget Act of 1974.

2. Customs, collection districts, and ports of entry and delivery.

3. Deposit of public moneys.

4. General revenue sharing.

5. Health programs under the Social Security Act and health programs financed by a specific tax or trust fund.

6. National social security.

7. Reciprocal trade agreements.

8. Revenue measures generally, except as provided in the Congressional Budget Act of 1974.

9. Revenue measures relating to the insular possessions.

10. Tariffs and import quotas, and matters related thereto.

11. Transportation of dutiable goods.

### RULE XXVI COMMITTEE PROCEDURE

2. Each committee shall adopt rules (not inconsistent with the Rules of the Senate) governing the procedure of such committee. The rules of each committee shall be published in the Congressional Record not later than March 1 of the first year of each Congress, except that if any such committee is established on or after February 1 of a year, the rules of that committee during the year of establishment shall be published in the Congressional Record not later than sixty days after such establishment. Any amendment to the rules of a committee shall not take effect until the amendment is published in the Congressional Record.

5. (a) Notwithstanding any other provision of the rules, when the Senate is in session,



no committee of the Senate or any subcommittee thereof may meet, without special leave, after the conclusion of the first two hours after the meeting of the Senate commenced and in no case after two o'clock post meridian unless consent thereof has been obtained from the majority leader and the minority leader (or in the event of the absence of either of such leaders, from his designee). The prohibition contained in the preceding sentence shall not apply to the Committee on Appropriations or the Committee on the Budget. The majority leader or his designee shall announce to the Senate whenever consent has been given under this subparagraph and shall state the time and place of such meeting. The right to make such announcement of consent shall have the same priority as the filing of a cloture motion.

(b) Each meeting of a committee, or any subcommittee thereof, including meetings to conduct hearings, shall be open to the public, except that a meeting or series of meetings by a committee or a subcommittee thereof on the same subject for a period of no more than fourteen calendar days may be closed to the public on a motion made and seconded to go into closed session to discuss only whether the matters enumerated in clauses (1) through (6) would require the meeting to be closed, followed immediately by a record vote in open session by a majority of the members of the committee or subcommittee when it is determined that the matters to be discussed or the testimony to be taken at such meeting or meetings—

(1) will disclose matters necessary to be kept secret in the interests of national defense or the confidential conduct of the foreign relations of the United States;

(2) will relate solely to matters of committee staff personnel or internal staff management or procedure;

(3) will tend to charge an individual with crime or misconduct, to disgrace or injure the professional standing of an individual, or otherwise to expose an individual to public contempt or obloquy, or will represent a clearly unwarranted invasion of the privacy of an individual;

(4) will disclose the identity of any informer or law enforcement agent or will disclose any information relating to the investigation or prosecution of a criminal offense that is required to be kept secret in the interests of effective law enforcement;

(5) will disclose information relating to the trade secrets of financial or commercial information pertaining specifically to a given person if—

(A) an Act of Congress requires the information to be kept confidential by Government officers and employees; or

(B) the information has been obtained by the Government on a confidential basis, other than through an application by such person for a specific Government financial or other benefit, and is required to be kept secret in order to prevent undue injury to the competitive position of such person; or

(6) may divulge matters required to be kept confidential under other provisions of law or Government regulations.

(c) Whenever any hearing conducted by any such committee or subcommittee is open to the public, that hearing may be broadcast by radio or television, or both, under such rules as the committee or subcommittee may adopt.

(d) Whenever disorder arises during a committee meeting that is open to the public, or any demonstration of approval or disapproval is indulged in by any person in attendance at any such meeting, it shall be the duty of the Chair to enforce order on his own initiative and without any point of order being made by a Senator. When the Chair

finds it necessary to maintain order, he shall have the power to clear the room, and the committee may act in closed session for so long as there is doubt of the assurance of order.

(e) Each committee shall prepare and keep a complete transcript or electronic recording adequate to fully record the proceeding of each meeting or conference whether or not such meeting or any part thereof is closed under this paragraph, unless a majority of its members vote to forgo such a record.

#### NOMINATION OF MIGUEL A. CARDONA

Ms. KLOBUCHAR. Mr. President, I rise today to speak in support of Dr. Miguel Cardona's nomination to serve as Secretary of Education and to urge my colleagues to confirm him to this position.

Dr. Cardona will bring a deep understanding of the needs of students and teachers, a firm grasp of our educational system, and a fresh perspective to the Department of Education.

Dr. Cardona was the first in his immediate family to go to college. He is the father of two school-aged children, and he brings to this role decades of experience as an educator, having served as an elementary school teacher, principal, and assistant superintendent.

Throughout his career, Dr. Cardona has worked tirelessly to improve the lives of students. He has fought to make sure college is accessible for all students. As the education commissioner for the State of Connecticut, he was on the frontlines helping his state tackle the complex issues facing their schools during the pandemic.

In his opening statement before the Health, Education, Labor, and Pensions Committee, Dr. Cardona reaffirmed his commitment to forging opportunity out of crisis. He also recognized the need to address educational inequities head-on and build a better future for the next generation.

He has the track record to show he understands the value of education and knows how to get things done. Under Dr. Cardona's leadership, Connecticut became the first State in the Nation to ensure that all of its public school students had access to a laptop and a high-speed internet connection to engage in remote learning during the pandemic. At another point in Dr. Cardona's career, he led a task force to help figure out how to close the academic achievement gap among students in his State.

The value of education is something that is personal to me.

My grandpa worked 1,500 feet underground in the mines of Ely, and he never graduated from high school, but he knew the value of a quality education, saving money in a coffee can in the basement to send my dad to college.

My dad graduated from Vermilion Community College and earned his graduate degree in journalism from the University of Minnesota. He went on to be a sports reporter and a newspaper columnist.

My mom was a public school teacher who taught second grade until she was 70 years old. She loved teaching. Her favorite unit was the monarch butterfly unit, where we would dress up as a monarch butterfly, and she would teach the kids about metamorphosis. She would also wear that monarch butterfly costume to the supermarket. She was dressed as this big monarch butterfly with little antennas on her head and a sign that said "to Mexico or bust" because that is where the monarch would fly on its way from Canada through Minnesota and down.

At the visitation on the night before my mom's funeral, I met a family. I had never met them before, but the mom was sobbing, and she had an older son who had a severe disability. The mom said, "You know, your mom had my son here in school when he was in second grade. Now he was grown up, and he said he always loved that monarch butterfly unit. And after he graduated, he got a job bagging groceries, and your mom would continue to go to the grocery store and she would stand in line in her monarch butterfly outfit. For years she did this, and would always give him a big hug when she got to the end of the line." That was my mom, and she loved her kids, and she was a devoted teacher.

I learned the value of education from my parents and grandparents, and I believe that it is a basic right that we have in this country that every child should have a right to education. I know that Dr. Miguel Cardona also believes in that right, and this is why I support his confirmation as Secretary of Education. I will also note that several of my Republican colleagues, including Senator BURR, ranking member on the HELP Committee, have come to the same conclusion.

This past year has been like no other, filled with tremendous challenges for students, educators, and families. As a result of this pandemic, parents have had to teach their first graders how to use the mute button to go to school. The crisis has taken a toll on the mental health of students and educators. There is major work to do to make sure that all students can catch up on lost learning caused by gaps in access to technology and broadband during the pandemic.

Thankfully, there is now light at the end of the tunnel with the development and distribution of vaccines that protect against the coronavirus and stand to save millions of lives. Our country now faces important decisions about how to safely and equitably return to in-person learning, and we need strong, thoughtful leadership to help guide these decisions and get our country back up and running. That means leadership we can trust to provide guidance that is driven by science and by public health experts. It also means leadership that will support the rights of all students to have a full and enriching educational experience.

I believe that Dr. Cardona will be a Secretary who will fight for public education, not against it; a Secretary who takes seriously the Federal Government's role in making education policy, informed by the most rigorous science; perhaps most of all, a Secretary who fosters compromise, not conflict, in addressing our Nation's many educational challenges.

As one of my mentors Senator Paul Wellstone put it, government should work to improve people's lives, and we have a lot of work to do with so many students and families in need. But I come to this Chamber today optimistic because our country has had a long and strong history of stepping up during challenging times like these. I look forward to partnering with Dr. Cardona to meet the needs of this moment and overcome the obstacles we face to support students, teachers, and schools as we work to recover from this pandemic and move forward.

With that, I ask my colleagues to support the nomination: Miguel Cardona as Secretary of Education.

#### TRIBUTE TO JANE HARMAN

Mrs. GILLIBRAND. Mr. President, I rise to recognize the extraordinary service of my friend Representative Jane Margaret Lakes Harman, who will be leaving her position as president and CEO of the Woodrow Wilson International Center for Scholars after nearly a decade of distinguished leadership.

Born in New York City, Representative Harman grew up in Los Angeles and received her bachelor's degree magna cum laude from Smith College and her law degree from Harvard Law School. Like many young people who believe in the unmatched power of public service, Jane moved to Washington, DC, where she served as a staffer to Senator John Tunney and with the Senate Judiciary Committee. She would go on to serve her country in the Department of Defense and as President Carter's Secretary of the Cabinet.

From 1993 until 2011, Representative Harman served the people of Southern California's 36th District. Throughout her tenure, Representative Harman fundamentally improved the national security of the United States through her work on the Armed Services, Intelligence, and Homeland Security Committees. Not content with leading just from the halls of Congress, she sought to find the truth for herself. Her work in pursuit of the facts relevant to protecting our democracy and our allies took her to Guantanamo Bay, Syria, and North Korea. Her oversight and leadership on national security was especially critical throughout this time period, as the United States sought to understand and push back from threats both new and old, including foreign terrorism. While Representative Harman's contributions speak for themselves, her receipt of the Defense Department Medal for Distinguished Service, the

CIA Seal Medal, the CIA Director's Award, and the National Intelligence Distinguished Public Service Medal highlight an extraordinary career serving the American people.

At the Wilson Center, Representative Harman continued her diligent work keeping our policymakers and the public informed on the ongoing security challenges the United States and her allies face. As we prepare and steel ourselves for the next era of security challenges, knowledge produced under her leadership and the relentless efforts of her colleague and staff will continue to be an invaluable resource.

Like many extraordinary Americans, Representative Harman carried out this work while also caring for her family, including her four children, her four grandchildren, and her late husband Sidney, an enormous personality in his own right. After a lifetime of public service, from staffer to elected official to thought leader in the policymaking community, Representative Jane Harman has left an indelible mark that has deeply strengthened the safety of our Nation. I am forever grateful for her service, her friendship, and wish her all the best in her next adventures.

#### ADDITIONAL STATEMENTS

##### TRIBUTE TO CHAROLETTE TIDWELL AND RECOGNIZING ANTIOCH FOR YOUTH AND FAMILY

• Mr. BOOZMAN. Mr. President, I rise today to honor the hard work and dedication of Ms. Charolette Tidwell and her organization, Antioch for Youth and Family, in Fort Smith, AR. This nonprofit, all-volunteer organization has played an important role in feeding local families for several years, but its efforts in 2020 made it a critical lifeline for thousands of people in western Arkansas.

Last year alone, Antioch distributed more than 3.5 million pounds of food, including almost 1 million pounds of fresh produce, milk, dairy, and cooked meats provided by the U.S. Department of Agriculture Coronavirus Food Assistance Program. By hosting regular drive-up events at Martin Luther King Park in Fort Smith, Ms. Tidwell and her team provided help to families who needed it most during the COVID-19 pandemic. In 2020, their efforts meant more than \$6 million worth of food went to local residents, making it one of the largest food assistance efforts in the State. More than one in six households in Arkansas is food insecure. In Fort Smith, that number is one in five. Unfortunately, the current crisis has only increased those needs.

I have been honored to visit with Ms. Tidwell and see her impressive efforts to fill the gap in her community in action. Before the pandemic, she was already hard at work with a food pantry, a community garden, and mobile food deliveries to low-income elderly and

disabled residents and other struggling families.

She has been an inspiration whose work has been recognized nationwide. L'Oreal Paris honored her in 2017 as one of 10 Women of Worth and in 2020 with the L'Oreal Paris Karen T. Fondu Impact Award for her tireless efforts to address the area's hunger crisis. Last year, she was featured on bags of Lay's potato chips as part of the company's initiative featuring ordinary people who do extraordinary things.

Those awards and acknowledgements speak to the nature of her impact and the vital role she plays within the community. Fortunately, she has once again dedicated herself to meeting a tremendous need with the same compassion and care she brings to every challenge.

I am grateful for Ms. Tidwell, the entire team at Antioch for Youth and Family, and their wonderful partners. With support from the River Valley Regional Food Bank, Feeding America, local businesses, and many volunteers, Antioch continues to make a difference and set an example for organizations across the State and the Nation.●

#### TRIBUTE TO VERNIS JACKSON

• Ms. HASSAN. Mr. President, I am proud to recognize Vernis Jackson of Portsmouth as February's Granite Stater of the Month. Jackson is the founder of the Seacoast African American Cultural Center and played a critical role in establishing the African Burying Ground in downtown Portsmouth.

Jackson moved to Portsmouth from her hometown of Savannah, GA, in 1963 and in 1974 joined another Granite Stater in organizing the first chartered organization, Kwanza, for African-American women in New Hampshire. The group worked to support young people and communities on the Seacoast; however, Jackson felt that there was more that she could do to elevate African-American achievements in the State.

In 2000, Jackson founded the Seacoast African American Cultural Center, which holds concerts, educational programs, and exhibits to help highlight the contributions, both modern and historical, that individuals of African descent have made to communities on the Seacoast and around the world.

Jackson, who taught for 38 years in the Portsmouth school system, wanted to make sure that the center could be used as a resource for students. Thanks to Jackson's leadership, the center works closely with schools across Portsmouth, including holding art exhibits for middle school students and providing scholarships for high school students of color.

In 2016, the center featured an exhibit featuring dolls of color, and last year it hosted an exhibit showcasing photos from former President Barack Obama's White House photographer Pete Souza.

Jackson also helped lead efforts in Portsmouth to establish the African

Burying Ground, which commemorates the spot where 13 individuals of African descent were buried in the 18th century.

Jackson's work to elevate the stories and culture of African Americans on the Seacoast and around the world represents the best of New Hampshire's efforts to create a more informed, inclusive, and just State that is welcoming of all people and backgrounds. I am honored to recognize her efforts and wish the center continued success.●

#### MESSAGE FROM THE HOUSE

At 11:28 a.m., a message from the House of Representatives, delivered by Mrs. Cole, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 447. An act to amend the Act of August 16, 1937 (commonly referred to as the "National Apprenticeship Act") and expand the national apprenticeship system to include apprenticeships, youth apprenticeships, and pre-apprenticeship registered under such Act, to promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, and for other purposes.

H.R. 546. An act to regulate monitoring of electronic communications between an incarcerated person in a Bureau of Prisons facility and that person's attorney or other legal representative, and for other purposes.

H.R. 1192. An act to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as "PROMESA").

The message also announced that the House has agreed to the following resolution:

H. Res. 155. Resolution relative to the death of the Honorable Ronald J. Wright, a Representative from the State of Texas.

#### MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 447. An act to amend the Act of August 16, 1937 (commonly referred to as the "National Apprenticeship Act") and expand the national apprenticeship system to include apprenticeships, youth apprenticeships, and pre-apprenticeship registered under such Act, to promote the furtherance of labor standards necessary to safeguard the welfare of apprentices, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 546. An act to regulate monitoring of electronic communications between an incarcerated person in a Bureau of Prisons facility and that person's attorney or other legal representative, and for other purposes; to the Committee on the Judiciary.

H.R. 1192. An act to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as "PROMESA"); to the Committee on Energy and Natural Resources.

#### MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 461. A bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

The following joint resolution was read the first time:

S.J. Res. 9. Joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

#### EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-513. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Streamlined Launch and Reentry License Requirements" ((RIN2120-AL17) (Docket No. FAA-2019-0229)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-514. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of Multiple Air Traffic Service (ATS) Routes in the Northcentral United States" ((RIN2120-AA66) (Docket No. FAA-2020-0667)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-515. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Revocation of Air Traffic Service (ATS) Routes in the Vicinity of Lebanon, New Hampshire" ((RIN2120-AA66) (Docket No. FAA-2019-0735)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-516. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D and Class E Airspace and Amendment of Class E Airspace; Nashville, Tennessee" ((RIN2120-AA66) (Docket No. FAA-2020-0701)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-517. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of V-6, V-30, V-58, V-119, and V-226 in the Vicinity of Clarion, Pennsylvania" ((RIN2120-AA66) (Docket No. FAA-2020-0709)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-518. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of

Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E Airspace; Newburyport, Massachusetts" ((RIN2120-AA66) (Docket No. FAA-2020-0924)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-519. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Toughkenamon, Pennsylvania" ((RIN2120-AA66) (Docket No. FAA-2020-0835)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-520. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "IFR Altitudes; Miscellaneous Amendments; Amendment No. 556" ((RIN2120-AA63) (Docket No. 31345)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-521. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Revocation of Class E3 Airspace; Fresno, California" ((RIN2120-AA66) (Docket No. FAA-2018-1001)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-522. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment and Establishment of Multiple Air Traffic Service Routines; Western United States" ((RIN2120-AA66) (Docket No. FAA-2019-0660)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-523. A communication from the Management and Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Amendment of V-53, V-115, V-140, T-215, and T-323, and Revocation of V-339 in the Vicinity of Hazard, Kentucky" ((RIN2120-AA66) (Docket No. FAA-2020-0654)) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-524. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Side Impact Protection, Ejection Mitigation; Technical Corrections" (RIN2127-AM31) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

EC-525. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Federal Motor Vehicle Safety Standards; Motorcycle Brake Systems; Motorcycle Controls and Displays" (RIN2127-AL48) received in the Office of the President of the Senate on February 9, 2021; to the Committee on Commerce, Science, and Transportation.

## INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. CASEY (for himself, Ms. CORTEZ MASTO, Mr. BENNET, Mr. BROWN, Mr. WYDEN, Mrs. SHAHEEN, Mr. MERKLEY, Mr. WARNER, Mr. MENENDEZ, Ms. ROSEN, Ms. SMITH, Mr. PETERS, Mr. BOOKER, Mr. VAN HOLLEN, Mr. TESTER, Ms. STABENOW, Mr. WHITEHOUSE, Mr. CARDIN, Ms. WARREN, Ms. KLOBUCHAR, Mr. KING, Ms. HASSAN, and Mr. CARPER):

S. 439. A bill to amend title XIX of the Social Security Act to increase Federal support to State Medicaid programs during economic downturns, and for other purposes; to the Committee on Finance.

By Mr. CASEY (for himself, Mr. KELLY, Mrs. GILLIBRAND, Mr. VAN HOLLEN, Mr. PETERS, Mr. BLUMENTHAL, Ms. DUCKWORTH, Ms. KLOBUCHAR, Ms. SMITH, and Mrs. SHAHEEN):

S. 440. A bill to provide continued funding for services under the Older Americans Act of 1965, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. BLUMENTHAL, Ms. CORTEZ MASTO, Mr. BOOKER, Ms. WARREN, Mr. MARKEY, Ms. SMITH, Mrs. SHAHEEN, Mr. DURBIN, Mrs. FEINSTEIN, Mr. COTTON, Ms. BALDWIN, Mr. VAN HOLLEN, and Mr. COONS):

S. 441. A bill to require the Consumer Product Safety Commission to promulgate a consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself and Mr. JOHNSON):

S. 442. A bill to amend title 40, United States Code, to require the Administrator of General Services to procure the most life-cycle cost effective and energy efficient lighting products and to issue guidance on the efficiency, effectiveness, and economy of those products, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. WHITEHOUSE (for himself, Mr. WYDEN, Mr. SCHUMER, Mr. VAN HOLLEN, Mr. LEAHY, Mrs. FEINSTEIN, Mrs. MURRAY, Mr. DURBIN, Mr. REED, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. MENENDEZ, Mr. CARDIN, Mr. SANDERS, Mr. BROWN, Mr. CASEY, Ms. KLOBUCHAR, Mr. TESTER, Mrs. SHAHEEN, Mr. WARNER, Mr. MERKLEY, Mr. BENNET, Mrs. GILLIBRAND, Mr. COONS, Mr. BLUMENTHAL, Mr. SCHATZ, Ms. BALDWIN, Mr. MURPHY, Ms. HIRONO, Mr. HEINRICH, Mr. KING, Mr. KAINE, Ms. WARREN, Mr. MARKEY, Mr. BOOKER, Mr. PETERS, Ms. DUCKWORTH, Ms. HASSAN, Ms. CORTEZ MASTO, Ms. SMITH, Ms. ROSEN, Mr. LUJÁN, Mr. HICKENLOOPER, Mr. PADILLA, Mr. OSSOFF, and Mr. WARNOCK):

S. 443. A bill to amend the Federal Election Campaign Act of 1971 to provide for additional disclosure requirements for corporations, labor organizations, Super PACs and other entities, and for other purposes; to the Committee on Rules and Administration.

By Ms. COLLINS (for herself, Mr. MANCHIN, Mr. BOOZMAN, Mr. BLUNT, and Ms. HASSAN):

S. 444. A bill to amend title 38, United States Code, to authorize the Secretary of

Veterans Affairs to provide or assist in providing an additional vehicle adapted for operation by disabled individuals to certain eligible persons; to the Committee on Veterans' Affairs.

By Ms. HASSAN (for herself and Ms. MURKOWSKI):

S. 445. A bill to amend section 303(g) of the Controlled Substances Act (21 U.S.C. 823(g)) to eliminate the separate registration requirement for dispensing narcotic drugs in schedule III, IV, or V, such as buprenorphine, for maintenance or detoxification treatment, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. ERNST (for herself, Mr. TILLIS, Mr. CRAMER, Mrs. HYDE-SMITH, and Mr. MARSHALL):

S. 446. A bill to amend title 18, United States Code, to criminalize any abortion or sterilization procedure performed without the informed consent of the person on whom such procedure is performed, and for other purposes; to the Committee on the Judiciary.

By Mr. RUBIO:

S. 447. A bill to amend the Internal Revenue Code of 1986 to allow a credit against tax for qualified elementary and secondary education tuition; to the Committee on Finance.

By Mr. CARDIN (for himself and Ms. STABENOW):

S. 448. A bill to amend title XXI of the Social Security Act to prohibit lifetime or annual limits on dental coverage under the Children's Health Insurance Program, and to require wraparound coverage of dental services for certain children under such program; to the Committee on Finance.

By Mr. CARDIN (for himself and Mr. WICKER):

S. 449. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income certain federally-subsidized loan repayments for dental school faculty; to the Committee on Finance.

By Mr. BURR (for himself, Mr. BOOKER, Ms. BALDWIN, Mr. BENNET, Mr. BLUMENTHAL, Ms. CANTWELL, Mr. CASEY, Ms. COLLINS, Mr. COONS, Mr. CORNYN, Ms. CORTEZ MASTO, Ms. DUCKWORTH, Mr. DURBIN, Mrs. FEINSTEIN, Mr. HAWLEY, Ms. HIRONO, Mrs. HYDE-SMITH, Mr. KING, Ms. KLOBUCHAR, Mr. LANKFORD, Mr. MARKEY, Mr. MENENDEZ, Mr. MERKLEY, Mr. MURPHY, Mr. PORTMAN, Mr. REED, Ms. ROSEN, Mr. RUBIO, Mr. SANDERS, Mr. SCOTT of South Carolina, Mr. TILLIS, Mr. WARNOCK, Ms. WARREN, Mr. WHITEHOUSE, Mr. WICKER, and Mr. WYDEN):

S. 450. A bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CAPITO (for herself and Mr. PETERS):

S. 451. A bill to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW (for herself and Mr. SCOTT of South Carolina):

S. 452. A bill to award a Congressional Gold Medal to Willie O'Ree, in recognition of his extraordinary contributions and commitment to hockey, inclusion, and recreational opportunity; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself and Mr. VAN HOLLEN):

S. 453. A bill to increase support for State Children's Health Insurance programs during

the COVID-19 emergency, and for other purposes; to the Committee on Finance.

By Mr. BLUMENTHAL (for himself, Ms. BALDWIN, Mr. BROWN, Mr. MENENDEZ, and Mrs. FEINSTEIN):

S. 454. A bill to provide health care and benefits to veterans who were exposed to toxic substances while serving as members of the Armed Forces at Karshi Khanabad Air Base, Uzbekistan, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. MURRAY:

S. 455. A bill to designate and expand wilderness areas in Olympic National Forest in the State of Washington, and to designate certain rivers in Olympic National Forest and Olympic National Park as wild and scenic rivers, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. CARDIN (for himself, Mr. BLUNT, Mr. SCHUMER, Mr. PORTMAN, Ms. CANTWELL, and Mr. SCOTT of South Carolina):

S. 456. A bill to amend the Internal Revenue Code of 1986 to permanently extend the new markets tax credit, and for other purposes; to the Committee on Finance.

By Mr. BOOKER (for himself, Mr. CORNYN, Mr. MURPHY, and Ms. COLLINS):

S. 457. A bill to establish a grant program for innovative partnerships among teacher preparation programs, local educational agencies, and community-based organizations to expand access to high-quality tutoring in hard-to-staff schools and high-need schools, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself, Mr. BOOZMAN, Ms. HIRONO, Mrs. SHAHEEN, Mr. MARKEY, Mr. KING, Mr. REED, Ms. WARREN, Mrs. MURRAY, Mr. BLUMENTHAL, Ms. SINEMA, Ms. COLLINS, Mr. TILLIS, Mr. MANCHIN, Mr. COONS, Mr. BOOKER, Mr. ROUNDS, Ms. HASSAN, Mr. SANDERS, Mr. BROWN, Ms. KLOBUCHAR, Mr. PETERS, Ms. BALDWIN, and Mr. WHITEHOUSE):

S. 458. A bill to amend title 38, United States Code, to require the Secretary of Veterans Affairs to provide the representative of record of a claimant for compensation or benefits administered by the Secretary an opportunity to review a proposed determination regarding that claim; to the Committee on Veterans' Affairs.

By Mr. SCOTT of Florida (for himself, Mrs. HYDE-SMITH, Mr. BARRASSO, and Ms. LUMMIS):

S. 459. A bill to amend the National Voter Registration Act of 1993 and the Help America Vote Act of 2002 to promote integrity in voter registration, the casting of ballots, and the tabulation of ballots in elections for Federal office, and for other purposes; to the Committee on Rules and Administration.

By Mr. RUBIO (for himself and Mr. WARNER):

S. 460. A bill to extend the authority for Federal contractors to reimburse employees unable to perform work due to the COVID-19 pandemic from March 31, 2021, to September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ (for himself, Mr. WICKER, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. BOOZMAN, Mr. HAGERTY, Mr. CASSIDY, Mr. LEE, Mr. SCOTT of Florida, Mr. COTTON, Mr. DAINES, Ms. ERNST, Mr. KENNEDY, Mr. BARRASSO, and Mr. INHOFE):

S. 461. A bill to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States; read the first time.

By Mr. CASEY (for himself, Mr. WYDEN, Mr. MARKEY, Ms. ROSEN, Mr.

KAINE, Mr. BROWN, Mr. MANCHIN, and Ms. SMITH):

S. 462. A bill to provide emergency funding for caseworkers and child protective services; to the Committee on Health, Education, Labor, and Pensions.

By Mr. PAUL (for himself and Mr. WYDEN):

S. 463. A bill to require congressional approval of national emergency declarations and to repeal the emergency powers and authorities most susceptible to abuse, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. MURKOWSKI (for herself, Ms. HASSAN, Mr. CASSIDY, Ms. ROSEN, Mrs. HYDE-SMITH, Mrs. GILLIBRAND, Ms. SINEMA, Mrs. CAPITO, Ms. HIRONO, Mr. TILLIS, Mrs. SHAHEEN, Mr. CRAMER, Mr. MERKLEY, and Mr. BLUMENTHAL):

S. 464. A bill to amend the Employee Retirement Income Security Act of 1974 to require a group health plan or health insurance coverage offered in connection with such a plan to provide an exceptions process for any medication step therapy protocol, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ (for himself, Mr. CARDIN, Mrs. SHAHEEN, Mr. BLUMENTHAL, Mr. MERKLEY, Ms. ROSEN, Ms. KLOBUCHAR, Mr. VAN HOLLEN, Mr. PETERS, Mr. WARNER, Mr. SANDERS, Mr. LUJÁN, Ms. CORTEZ MASTO, Mr. BOOKER, Ms. STABENOW, and Ms. SMITH):

S. 465. A bill to establish and support public awareness campaigns to address COVID-19-related health disparities and promote vaccination; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MORAN (for himself, Mr. BLUNT, and Mrs. FISCHER):

S. 466. A bill to amend the Communications Act of 1934 to require providers of a covered service to provide location information concerning the telecommunications device of a user of such service to an investigative or law enforcement officer or an employee or other agent of a public safety answering point in an emergency situation involving risk of death or serious physical harm or in order to respond to the user's call for emergency services; to the Committee on Commerce, Science, and Transportation.

By Ms. MURKOWSKI (for herself and Mr. KING):

S. 467. A bill to amend the Public Health Service Act to establish a program to improve the identification, assessment, and treatment of patients in hospital emergency departments who are at risk of suicide, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. THUNE (for himself and Ms. HASSAN):

S. 468. A bill to expedite transportation project delivery, facilitate infrastructure improvement, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MORAN (for himself, Ms. BALDWIN, Mrs. FISCHER, and Mr. TESTER):

S. 469. A bill to require the Administrator of the Federal Motor Carrier Safety Administration to establish an advisory board focused on creating opportunities for women in the trucking industry, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. KAINE (for himself and Mr. WARNER):

S. 470. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Great Dismal Swamp National Heritage Area, and for other purposes;

to the Committee on Environment and Public Works.

By Mr. BRAUN (for himself and Mr. SCOTT of Florida):

S. 471. A bill to allow Members of Congress to opt out of the Federal Employees Retirement System, and allow Members who opt out of the Federal Employees Retirement System to continue to participate in the Thrift Savings Plan; to the Committee on Homeland Security and Governmental Affairs.

By Mr. BRAUN (for himself and Mr. SCOTT of Florida):

S. 472. A bill to amend title 5, United States Code, to provide for the termination of certain retirement benefits for Members of Congress, except the right to continue participating in the Thrift Savings Plan, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 473. A bill to amend the CARES Act to extend the subset for the definition of a small business debtor, and for other purposes; to the Committee on the Judiciary.

By Mr. BRAUN (for himself and Mr. KENNEDY):

S. 474. A bill to prohibit the Export-Import Bank of the United States from providing financing to persons with seriously delinquent tax debt; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. MARKEY (for himself, Mr. BOOKER, Ms. SMITH, Mr. CORNYN, Mr. SCHATZ, Mr. BURR, Ms. HIRONO, Ms. ERNST, Mr. BLUMENTHAL, Mr. RUBIO, Mrs. FEINSTEIN, Mr. HAWLEY, Ms. ROSEN, Mr. CRAPO, Mr. SANDERS, Mrs. FISCHER, Mr. WHITEHOUSE, Mr. LANKFORD, Ms. CORTEZ MASTO, Mr. CASSIDY, Ms. WARREN, Mr. RISCH, Mr. MENENDEZ, Mr. CRAMER, Mr. MERKLEY, Mr. YOUNG, Ms. KLOBUCHAR, Mrs. HYDE-SMITH, Mr. CASEY, Ms. COLLINS, Ms. BALDWIN, Mr. PORTMAN, Mr. VAN HOLLEN, Mr. SCOTT of South Carolina, Mr. DURBIN, Mr. WARNER, Ms. DUCKWORTH, Ms. CANTWELL, Mr. KING, Mr. BENNET, Mr. BROWN, Mr. REED, Mr. KAINE, Mr. COONS, Mrs. SHAHEEN, Mrs. MURRAY, Mr. PETERS, Mr. HEINRICH, Mr. WYDEN, Mr. LUJÁN, Ms. STABENOW, Ms. SINEMA, Mrs. GILLIBRAND, Mr. MURPHY, and Mr. PADILLA):

S. 475. A bill to amend title 5, United States Code, to designate Juneteenth National Independence Day as a legal public holiday; to the Committee on the Judiciary.

By Ms. DUCKWORTH (for herself, Mr. BLUMENTHAL, Mr. MARKEY, Mr. MERKLEY, Mrs. GILLIBRAND, and Mr. KAINE):

S. 476. A bill to provide for the establishment of a COVID-19 Compensation Fund, and for other purposes; to the Committee on the Judiciary.

By Ms. CORTEZ MASTO (for herself and Mr. CRAMER):

S. 477. A bill to amend the Internal Revenue Code of 1986 to create a refundable tax credit for travel expenditures, and for other purposes; to the Committee on Finance.

By Mr. COTTON (for himself, Mr. ROMNEY, Ms. COLLINS, Mrs. CAPITO, and Mr. PORTMAN):

S. 478. A bill to gradually raise the Federal minimum wage, to permanently establish the E-Verify employment eligibility verification system, to mandate the use of E-Verify by all employers, and for other purposes; to the Committee on the Judiciary.

By Mr. WICKER (for himself, Ms. STABENOW, Mr. BARRASSO, Mr. BENNET, Mr. INHOFE, Ms. BALDWIN, Mrs. CAP-

ITO, Mr. MENENDEZ, Mr. MORAN, Mrs. SHAHEEN, Ms. MURKOWSKI, Mr. VAN HOLLEN, Mrs. FISCHER, Mr. BOOZMAN, and Ms. ROSEN):

S. 479. A bill to amend the Internal Revenue Code of 1986 to reinstate advance refunding bonds; to the Committee on Finance.

By Mr. DAINES (for himself, Mr. CASSIDY, Mr. SCOTT of South Carolina, and Mr. PORTMAN):

S. 480. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for qualified business income; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. KAINE, Ms. BALDWIN, Mr. WARNER, Mr. BOOKER, Mr. LEAHY, Mr. BLUMENTHAL, Ms. WARREN, Mr. VAN HOLLEN, Mr. SANDERS, Ms. SMITH, Ms. HIRONO, Ms. KLOBUCHAR, Mr. DURBIN, Mr. WHITEHOUSE, Mr. MARKEY, Mr. COONS, Mr. CASEY, Mr. BROWN, Mr. WYDEN, Mr. MENENDEZ, Mr. MERKLEY, Ms. DUCKWORTH, and Mr. BENNET):

S. 481. A bill to secure the Federal voting rights of persons when released from incarceration; to the Committee on the Judiciary.

By Mr. MERKLEY (for himself and Mr. BRAUN):

S. 482. A bill to direct the Secretary of Health and Human Services and other Federal officials to compile into a searchable database information relating to Federal support for biomedical research and development related to COVID-19, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MURPHY (for himself, Mr. YOUNG, Mr. KAINE, and Mr. CRAMER):

S. 483. A bill to prohibit certain noncompete agreements, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Ms. SMITH, Mrs. SHAHEEN, and Mr. SANDERS):

S. 484. A bill to establish grant programs for maternal mental health equity and to grow and diversify the maternal mental and behavioral health care workforce; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself and Mrs. CAPITO):

S. 485. A bill to establish a grant program for family community organizations that provide support for individuals struggling with substance use disorder and their families; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. GILLIBRAND (for herself, Ms. SMITH, Mr. BOOKER, Mr. DURBIN, and Mr. CASEY):

S. 486. A bill to amend the Department of Agriculture Reorganization Act of 1994 to establish the Rural Innovation and Partnership Administration and to amend the Consolidated Farm and Rural Development Act to establish the Rural Future Partnership Fund to invest in the rural areas of the United States to achieve their preferred future while maximizing their contribution to the well-being of the United States, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. WYDEN (for himself, Mr. BOOKER, Mr. MERKLEY, and Mr. HEINRICH):

S. 487. A bill to make supplemental appropriations for the Departments of Agriculture, the Interior, Homeland Security, Labor, and Commerce for the fiscal year ending September 30, 2021, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. HAGERTY (for himself, Mr. RUBIO, Mr. COTTON, Mr. TILLIS, Mr. BLUNT, Mr. CRAMER, Mr. CORNYN, Ms. LUMMIS, Mrs. HYDE-SMITH, Ms.

ERNST, Mrs. BLACKBURN, Mr. HOEVEN, Mr. BARRASSO, Mr. JOHNSON, Mr. YOUNG, Mr. SASSE, Mr. LANKFORD, Mr. HAWLEY, Mr. BOOZMAN, Mr. MARSHALL, Mrs. CAPITO, and Mr. WICKER):

S. 488. A bill to provide for congressional review of actions to terminate or waive sanctions imposed with respect to Iran; to the Committee on Foreign Relations.

By Mr. BRAUN (for himself and Ms. ERNST):

S. 489. A bill to require an annual report of Federal employees and retirees with delinquent tax debt; to the Committee on Homeland Security and Governmental Affairs.

By Mr. CRUZ (for himself, Mr. WICKER, Mrs. HYDE-SMITH, Mr. MARSHALL, Mr. BOOZMAN, Mr. HAGERTY, Mr. CASSIDY, Mr. LEE, Mr. PORTMAN, Mr. GRASSLEY, Mrs. BLACKBURN, Mr. COTTON, Ms. ERNST, Mr. DAINES, Mr. KENNEDY, Mr. BARRASSO, Mr. INHOFE, and Mr. TILLIS):

S.J. Res. 9. A joint resolution proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices; read the first time.

## SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. CARDIN (for himself, Mr. LANKFORD, Mr. VAN HOLLEN, Ms. MURKOWSKI, Mr. KAINE, and Mr. WARNER):

S. Res. 76. A resolution congratulating the National Active and Retired Federal Employees Association on the celebration of its 100th anniversary on February 19, 2021, and recognizing the vital contributions its members have made to the United States over the past 100 years; considered and agreed to.

By Mr. TESTER (for himself, Ms. COLLINS, Mr. KING, Ms. HASSAN, Mr. CARPER, Mr. WYDEN, Mr. MERKLEY, Mr. MARKEY, Mr. BENNETT, Mr. COONS, Ms. CANTWELL, Mr. SANDERS, Mr. REED, Mr. BLUMENTHAL, Mr. KAINE, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BROWN, Mr. WARNER, Mr. BOOKER, Mrs. MURRAY, Mr. CASEY, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. ROSEN, Ms. HIRONO, Mr. MANCHIN, Ms. WARREN, Mrs. SHAHEEN, Mr. MURPHY, Mr. CARDIN, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. SINEMA, Ms. ERNST, Mrs. CAPITO, Mr. BOOZMAN, and Mr. DURBIN):

S. Res. 77. A resolution designating the week of February 22 through February 26, 2021, as "Public Schools Week"; considered and agreed to.

By Mr. BOOKER (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. BROWN, Ms. WARREN, Mr. COONS, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, Ms. DUCKWORTH, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. PADILLA):

S. Con. Res. 6. A concurrent resolution urging the establishment of a United States Commission on Truth, Racial Healing, and Transformation; to the Committee on the Judiciary.

## ADDITIONAL COSPONSORS

S. 96

At the request of Mr. REED, the name of the Senator from Virginia (Mr. KAINE) was added as a cosponsor of S. 96, a bill to provide for the long-term

improvement of public school facilities, and for other purposes.

S. 181

At the request of Ms. HIRONO, the name of the Senator from California (Mr. PADILLA) was added as a cosponsor of S. 181, a bill to posthumously award a Congressional Gold Medal to Fred Korematsu, in recognition of his dedication to justice and equality.

S. 212

At the request of Mr. CARDIN, the names of the Senator from Minnesota (Ms. SMITH), the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 212, a bill to amend the Internal Revenue Code of 1986 to allow a refundable tax credit against income tax for the purchase of qualified access technology for the blind.

S. 220

At the request of Ms. MURKOWSKI, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of S. 220, a bill to provide emergency relief to youth, children, and families experiencing homelessness, in light of the health and economic consequences of COVID-19.

S. 236

At the request of Ms. BALDWIN, the name of the Senator from Maine (Mr. KING) was added as a cosponsor of S. 236, a bill to improve activities for the gathering of data on, and the tracking of, new variants of COVID-19.

S. 239

At the request of Mr. RISCH, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 239, a bill to permanently enact certain appropriations Act restrictions on the use of funds for abortions and involuntary sterilizations, and for other purposes.

S. 247

At the request of Mr. LEE, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 247, a bill to amend the Fair Labor Standards Act of 1938 to provide compensatory time for employees in the private sector.

S. 251

At the request of Mr. LEE, the name of the Senator from Florida (Mr. SCOTT) was added as a cosponsor of S. 251, a bill to provide that for purposes of determining compliance with title IX of the Education Amendments of 1972 in athletics, sex shall be recognized based solely on a person's reproductive biology and genetics at birth.

S. 271

At the request of Mr. CASEY, the names of the Senator from New York (Mr. SCHUMER), the Senator from Michigan (Mr. PETERS), the Senator from Nevada (Ms. ROSEN) and the Senator from California (Mr. PADILLA) were added as cosponsors of S. 271, a bill to amend the Internal Revenue Code of 1986 to enhance the Child and Dependent Care Tax Credit and make the credit fully refundable.

S. 306

At the request of Mr. VAN HOLLEN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 306, a bill to provide a process for granting lawful permanent resident status to aliens from certain countries who meet specified eligibility requirements, and for other purposes.

S. 344

At the request of Mr. TESTER, the names of the Senator from South Carolina (Mr. SCOTT) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 344, a bill to amend title 10, United States Code, to provide for concurrent receipt of veterans' disability compensation and retirement pay for disability retirees with fewer than 20 years of service and a combat-related disability, and for other purposes.

S. 365

At the request of Mrs. BLACKBURN, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 365, a bill to amend title 18, United States Code, to require a provider of a report to the CyberTipline related to online sexual exploitation of children to preserve the contents of such report for 180 days, and for other purposes.

S. RES. 19

At the request of Mr. WHITEHOUSE, the name of the Senator from Louisiana (Mr. KENNEDY) was added as a cosponsor of S. Res. 19, a resolution recognizing January 2021 as "National Mentoring Month".

## STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. CARDIN (for himself and Ms. STABENOW):

S. 448. A bill to amend title XXI of the Social Security Act to prohibit lifetime or annual limits on dental coverage under the Children's Health Insurance Program, and to require wrap-around coverage of dental services for certain children under such program; to the Committee on Finance.

Mr. CARDIN. Mr. President, I rise today to discuss two bills addressing oral health, which I am introducing today. These bills will provide incentives for dental and dental hygiene graduates to remain as dental school faculty and make the Children's Health Insurance Program (CHIP) more affordable for at-risk patients and families. We rely on dental faculty to train the next generation of oral health providers, but too often, these educators find themselves pushed to work in private practice in order to pay off their student loans. The Dental Loan Repayment Assistance Act will ease some of this financial burden and allow faculty members to stay where they are needed most by eliminating certain loan assistance benefits from counting as taxable income. For low-income children, the CHIP program provides access to affordable oral health care. The Ensuring Kids Have Access to Medically Necessary Dental Care Act makes oral



health more affordable by eliminating annual and lifetime dollar limits for dental care provided under CHIP and requires that CHIP wraparound dental coverage be the same as dental coverage for CHIP enrollees.

The ongoing novel coronavirus (COVID-19) pandemic has decreased access to oral health care. Though patient volumes have improved since last spring, recent surveys from the American Dental Association (ADA) indicate that since August many private practices have been operating at around 80 percent of pre-COVID-19 patient volumes while public health practices have been operating at around 60 percent of pre-COVID-19 patient volumes. Patients nationwide have experienced restrictions throughout the pandemic impeding their ability to visit health professionals like oral health practitioners, while dental practices have experienced financial difficulties brought on by the pandemic. Increases in operating costs to enable safe operations, such as purchasing personal protective equipment (PPE), have strained dental practices' financial resources. These added costs, coupled with reduced patient volume, have led to nearly 60 percent of dental practices applying or planning to apply for small business loans under the Paycheck Protection Program (PPP).

As patients and providers alike currently struggle with oral health access issues, it is critical that the pandemic not compound access to care inequities. In particular, these challenges are cause for concern for at-risk populations such as communities of color, who experienced oral health disparities before the pandemic began. As families and patients nationwide struggle to access care at this incredibly challenging time, I am introducing these two bills to ease the financial burden of dental professionals and promote increased access to oral health for low-income beneficiaries.

There are nearly 6,500 dental health professional shortage areas nationwide. These are areas where nearly 60 million Americans, including 835,000 Marylanders, struggle to find a dental provider, even with insurance coverage. By 2030, the Department of Health & Human Services (HHS) projects that the United States will have a national shortage of 16,000 dentists. We can only hope to solve this problem if we can recruit and retain enough faculty to train the next generation of dentists and dental hygienists. Crippling educational debt should not prevent our Nation from having the oral health care providers it needs, and the Dental Loan Repayment Assistance Act will help address that.

I would also like to take this opportunity to acknowledge that February is National Children's Dental Health Month. Since 1981, this month has afforded us the opportunity to acknowledge the importance of children's dental health. We recognize the significant strides we have made, but we also ac-

knowledge the work that remains to be done. I invite my colleagues to join me to use this month to renew our commitment to ensuring that all children in our country have access to affordable and comprehensive dental services. As former U.S. Surgeon General C. Everett Koop said, "there is no health without oral health."

Tooth decay—despite being largely preventable—is the single most common chronic health condition among children and adolescents in the United States. It is four times more common than early-childhood obesity, five times more common than asthma, and 20 times more common than diabetes. Among children in families living below the federal poverty line, 52 percent have cavities. Children with cavities in their primary or "baby" teeth are three times more likely to develop cavities in their permanent, adult teeth, and the early loss of baby teeth can make it harder for permanent teeth to grow in properly. If tooth decay is untreated, it not only can destroy a child's teeth; it can have a debilitating impact on his or her health and quality of life.

Many of my colleagues have heard me speak before about the tragic loss of Deamonte Driver, a 12-year-old Prince George's County resident, in 2007. Deamonte's death was particularly heartbreaking because it was entirely preventable. What started out as a toothache turned into an abscess and then severe brain infection that an \$80 extraction could have prevented. After multiple surgeries and a lengthy hospital stay, Deamonte tragically passed away—fourteen years ago and just a few miles from where we gather here in the Senate Chamber.

Even in less tragic cases, tooth and gum pain can impede a child's healthy development, including the ability to learn, play, and eat nutritious foods. Recent studies have shown that children with poor oral health are nearly three times more likely to miss school due to dental pain, and children reporting recent toothaches are four times more likely to have a lower grade point average than their peers who do not suffer from dental pain. Tooth decay and oral health problems also disproportionately affect children from low-income families and minority communities. According to the National Institutes of Health, approximately 80 percent of childhood dental disease is concentrated in 25 percent of the population. These children and families often face inordinately high barriers to receiving essential oral health care and, simply put, the consequences can be devastating.

In 2009, Congress reauthorized the Children's Health Insurance Program with an important addition: a guaranteed pediatric dental benefit. Today, CHIP provides affordable comprehensive health coverage—including dental coverage—to more than 9 million children. Thanks to CHIP, we now have the highest number of children with med-

ical and dental coverage in history. In addition, in 2010, Congress included pediatric dental services in the set of essential health benefits established under the Affordable Care Act. I am pleased to say that our actions have been working, and our numbers are improving. In 2004, nearly 23 percent of all children had untreated tooth decay. In 2016, that number had dropped to 13 percent.

I am very proud that my State of Maryland is recognized as a national leader in pediatric dental health coverage. In a 2011 Pew Center report, "The State of Children's Dental Health," Maryland earned an "A" and was the only State to meet seven of eight policy benchmarks for addressing children's dental health needs. In addition, in the Maryland Health Benefit Exchange, very qualified health plan now includes pediatric dental coverage, so families do not have to pay a separate premium for dental coverage for their children and do not have a separate deductible or out-of-pocket limit for pediatric dental services.

I am also proud to say that Maryland Medicaid does not place a lifetime or annual limit on pregnant women or children receiving dental benefits under CHIP. This ensures that preventive dental care like exams and cleanings, fillings, crowns, root canals, and dentures are not out of reach for low-income Marylanders because of cost constraints. This benefit is critically important nationwide as millions of Americans have joined Medicaid in the past year due to the pandemic.

Not every State has the same benefit structure for CHIP as Maryland, however, which means that new and existing Medicaid beneficiaries may have limits on the types of services they can access. As we know from the terribly tragic example of Deamonte Driver, no family or child should ever face cost constraint decisions for basic oral health care. This is why I have introduced the Ensuring Kids Have Access to Medically Necessary Dental Care Act, to protect access to oral health care for millions of CHIP and Medicaid enrollees and ensure that the pandemic does not reverse the progress we have made in oral health.

I urge my colleagues to join the senior Senator from Mississippi (Mr. WICKER) and me in supporting the Dental Loan Repayment Assistance Act to help address our critical nationwide shortage of dental healthcare providers and especially dental faculty. We cannot continue to allow crippling graduate student debt to deprive the American people of the teachers and mentors we need to train the next generation of oral healthcare providers. I similarly urge my colleagues to join the senior Senator from Michigan (Ms. STABENOW) and me in supporting the Ensuring Kids Have Access to Medically Necessary Dental Care Act to improve access to oral health care for low-income beneficiaries. We must learn from the tragic example of

Deamonte Driver, and ensure that cost constraints are not a barrier to accessing oral health care.

By Mr. THUNE (for himself and Ms. HASSAN):

S. 468. A bill to expedite transportation project delivery, facilitate infrastructure improvement, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. THUNE. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 468

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

# SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “Railroad Rehabilitation and Financing Innovation Act”.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.  
Sec. 2. Railroad Rehabilitation and Improvement Financing Program.  
Sec. 3. Conforming amendments.  
Sec. 4. Transitional and savings provisions.  
Sec. 5. Repeals.

# SEC. 2. RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM.

(a) AMENDMENT TO TITLE 49, UNITED STATES CODE.—Part B of subtitle V of title 49, United States Code, is amended by inserting after chapter 223 the following:

## “CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM

“22401. Definitions.

“22402. Direct loans and loan guarantees.

“22403. Administration of direct loans and loan guarantees.

“22404. Employee protection.

“22405. Substantive criteria and standards.

“22406. Funding.

### “§ 22401. Definitions

“In this chapter:

“(1) COST.—

“(A) IN GENERAL.—The term ‘cost’ means the estimated long-term cost to the Government of a direct loan or loan guarantee, or modification of the direct loan or loan guarantee, calculated on a net present value basis, excluding administrative costs and any incidental effects on governmental receipts or outlays.

“(B) COST OF DIRECT LOANS.—

“(i) IN GENERAL.—The cost of a direct loan shall be the net present value, at the time when the direct loan is disbursed, of the following estimated cash flows:

“(I) Loan disbursements.

“(II) Repayments of principal.

“(III) Payments of interest and other payments by or to the Government over the life of the loan.

“(ii) CALCULATION.—Calculation of the cost of a direct loan shall include the effects of changes in loan terms resulting from the exercise by the borrower of an option included in the loan contract.

“(C) COST OF LOAN GUARANTEE.—

“(i) IN GENERAL.—The cost of a loan guarantee shall be the net present value, at the time when the guaranteed loan is disbursed, of the following estimated cash flows:

“(I) Payments by the Government to cover defaults and delinquencies, interest subsidies, or other payments.

“(II) Payments to the Government, including origination and other fees, penalties, and recoveries.

“(ii) CALCULATION.—Calculation of the cost of a loan guarantee shall include the effects of changes in loan terms resulting from the exercise by the guaranteed lender of an option included in the loan guarantee, or by the borrower of an option included in the guaranteed loan contract.

“(D) COST OF MODIFICATION.—The cost of a modification is the difference between the current estimate of the net present value of the remaining cash flows under the terms of a direct loan or loan guarantee contract, and the current estimate of the net present value of the remaining cash flows under the terms of the contract, as modified.

“(E) ESTIMATION OF NET PRESENT VALUES; DISCOUNT RATE.—In estimating net present values, the discount rate shall be the average interest rate on marketable Treasury securities of similar maturity to the cash flows of the direct loan or loan guarantee for which the estimate is being made.

“(F) ESTIMATED COST; BASIS.—When funds are obligated for a direct loan or loan guarantee, the estimated cost shall be based on the current assumptions, adjusted to incorporate the terms of the loan contract, for the fiscal year in which the funds are obligated.

“(2) CURRENT.—The term ‘current’ has the meaning given such term in section 250(c)(9) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 900(c)(9)).

“(3) DIRECT LOAN.—

“(A) IN GENERAL.—The term ‘direct loan’ means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of the funds.

“(B) INCLUSIONS.—The term ‘direct loan’ includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a Government asset on credit terms.

“(C) EXCLUSION.—The term ‘direct loan’ does not include the acquisition of a federally guaranteed loan in satisfaction of default claims.

“(4) DIRECT LOAN OBLIGATION.—The term ‘direct loan obligation’ means a binding agreement by the Secretary to make a direct loan when specified conditions are fulfilled by the borrower.

“(5) INTERMODAL.—The term ‘intermodal’ means of or relating to the connection between rail service and other modes of transportation, including all parts of facilities at which the connection is made.

“(6) INVESTMENT-GRADE RATING.—The term ‘investment-grade rating’ means a rating of BBB minus, Baa3, bbb minus, BBB(low), or higher assigned by a rating agency.

“(7) LOAN GUARANTEE.—The term ‘loan guarantee’ means any guarantee, insurance, or other pledge with respect to the payment of all or a part of the principal or interest on any debt obligation of a non-Federal borrower to a non-Federal lender, but does not include the insurance of deposits, shares, or other withdrawable accounts in financial institutions.

“(8) LOAN GUARANTEE COMMITMENT.—The term ‘loan guarantee commitment’ means a binding agreement by the Secretary to make a loan guarantee when specified conditions are fulfilled by the borrower, the lender, or any other party to the guarantee agreement.

“(9) MASTER CREDIT AGREEMENT.—The term ‘master credit agreement’ means an agreement to make 1 or more direct loans or loan guarantees at future dates for a program of related projects on terms acceptable to the Secretary.

“(10) MODIFICATION.—

“(A) IN GENERAL.—The term ‘modification’ means any Government action that alters the estimated cost of an outstanding direct loan (or direct loan obligation) or an out-

standing loan guarantee (or loan guarantee commitment) from the current estimate of cash flows.

“(B) INCLUSIONS.—The term ‘modification’ includes—

“(i) the sale of loan assets, with or without recourse, and the purchase of guaranteed loans; and

“(ii) any action resulting from new legislation, or from the exercise of administrative discretion under existing law, that directly or indirectly alters the estimated cost of outstanding direct loans (or direct loan obligations) or loan guarantee (or loan guarantee commitment), such as a change in collection procedures.

“(11) PROJECT OBLIGATION.—The term ‘project obligation’ means a note, bond, debenture, or other debt obligation issued by a borrower in connection with the financing of a project, other than a direct loan or loan guarantee under this chapter.

“(12) RAILROAD.—The term ‘railroad’ has the meaning given the term ‘railroad carrier’ in section 20102.

“(13) RATING AGENCY.—The term ‘rating agency’ means a credit rating agency registered with the Securities and Exchange Commission as a nationally recognized statistical rating organization (as defined in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a))).

“(14) SECRETARY.—The term ‘Secretary’ means the Secretary of Transportation.

“(15) SUBSTANTIAL COMPLETION.—The term ‘substantial completion’ means—

“(A) the opening of a project to passenger or freight traffic; or

“(B) a comparable event, as determined by the Secretary and specified in the terms of the direct loan or loan guarantee.

## “§ 22402. Direct loans and loan guarantees

“(a) GENERAL AUTHORITY.—The Secretary shall provide direct loans and loan guarantees—

“(1) to States and units of local government;

“(2) to interstate compacts consented to by Congress under section 410(a) of the Amtrak Reform and Accountability Act of 1997 (Public Law 105-134; 49 U.S.C. 24101 note);

“(3) to government-sponsored authorities and corporations;

“(4) to railroads;

“(5) to joint ventures that include at least 1 of the entities described in paragraph (1), (2), (3), (4), or (6);

“(6) to private entities with controlling ownership in 1 or more freight railroads other than Class 1 carriers; and

“(7) solely for the purpose of constructing a rail connection between a plant or facility and a railroad, limited option freight shippers that own or operate a plant or other facility.

“(b) ELIGIBLE PURPOSES.—

“(1) IN GENERAL.—Direct loans and loan guarantees provided under this section shall be used—

“(A)(i) to acquire, improve, or rehabilitate intermodal or rail equipment or facilities, including track, components of track, civil works such as cuts and fills, bridges, yards, buildings, and shops; and

“(ii) to finance costs related to the activities described in clause (i), including preconstruction costs;

“(B) to develop or establish new intermodal or railroad facilities;

“(C) to refinance outstanding debt incurred for the purposes described in subparagraph (A) or (B);

“(D) to reimburse planning, permitting, and design expenses relating to activities described in subparagraph (A) or (B); or

“(E) to finance economic development, including commercial and residential development, and related infrastructure and activities that—

“(i) incorporates private investment;

“(ii) is physically or functionally related to a passenger rail station or multimodal station that includes rail service;

“(iii) has a high probability of the applicant commencing the contracting process for construction not later than 90 days after the date on which the direct loan or loan guarantee is obligated for the project under this chapter; and

“(iv) has a high probability of reducing the need for financial assistance under any other Federal program for the relevant passenger rail station or service by increasing ridership, tenant lease payments, or other activities that generate revenue exceeding costs.

“(2) OPERATING EXPENSES NOT ELIGIBLE.—Direct loans and loan guarantees under this section may not be used for railroad operating expenses.

“(3) SUNSET.—The Secretary may provide a direct loan or loan guarantee under this section for a project described in paragraph (1)(E) only during the 4-year period beginning on December 4, 2015.

“(c) PRIORITY PROJECTS.—In granting applications for direct loans or guaranteed loans under this section, the Secretary shall give priority to projects that—

“(1) enhance public safety, including projects for the installation of a positive train control system (as defined in section 20157(i));

“(2) promote economic development;

“(3) enhance the environment;

“(4) enable United States companies to be more competitive in international markets;

“(5) are endorsed by the plans prepared under chapter 227 of this title or section 135 of title 23 by the State or States in which the projects are located;

“(6) improve railroad stations and passenger facilities and increase transit-oriented development;

“(7) preserve or enhance rail or intermodal service to small communities or rural areas;

“(8) enhance service and capacity in the national rail system; or

“(9)(A) would materially alleviate rail capacity problems that degrade the provision of service to shippers; and

“(B) would fulfill a need in the national transportation system.

“(d) EXTENT OF AUTHORITY.—

“(1) LIMITATION ON AGGREGATE UNPAID PRINCIPAL AMOUNTS OF OBLIGATIONS.—The aggregate unpaid principal amounts of obligations under direct loans and loan guarantees made under this section may not exceed \$35,000,000,000 at any time.

“(2) MINIMUM AMOUNT FOR FREIGHT RAILROADS.—Of the amount referred to in paragraph (1), not less than \$7,000,000,000 shall be available solely for projects primarily benefiting freight railroads other than Class I carriers.

“(3) PROPORTION OF UNUSED AMOUNT.—The Secretary shall not establish any limit on the proportion of the unused amount authorized under this subsection that may be used for 1 loan or loan guarantee.

“(e) RATES OF INTEREST.—

“(1) DIRECT LOANS.—The interest rate on a direct loan under this section shall be not less than the yield on United States Treasury securities of a similar maturity to the maturity of the secured loan on the date of execution of the loan agreement.

“(2) LOAN GUARANTEES.—The Secretary shall not make a loan guarantee under this section if the interest rate for the loan exceeds that which the Secretary determines to be reasonable, taking into consideration the prevailing interest rates and customary

fees incurred under similar obligations in the private capital market.

“(f) INFRASTRUCTURE PARTNERS.—

“(1) AUTHORITY OF SECRETARY.—

“(A) IN GENERAL.—In lieu of or in combination with appropriations of budget authority to cover the costs of direct loans and loan guarantees as required under section 504(b)(1) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)(1)), including the cost of a modification of a direct loan or loan guarantee, the Secretary may accept on behalf of an applicant for assistance under this section a commitment from a non-Federal source, including a State or local government or agency, or public benefit corporation or public authority of a State or local government, to fund, in whole or in part, credit risk premiums and modification costs with respect to the loan that is the subject of the application or modification.

“(B) LIMITATION.—The aggregate of appropriations of budget authority and credit risk premiums described in this paragraph with respect to a direct loan or loan guarantee shall not be less than the cost of that direct loan or loan guarantee.

“(2) CREDIT RISK PREMIUM AMOUNT.—The Secretary shall determine the amount required for credit risk premiums under this subsection on the basis of—

“(A) the circumstances of the applicant, including the amount of collateral offered, if any;

“(B) the proposed schedule of loan disbursements;

“(C) historical data on the repayment history of similar borrowers;

“(D) consultation with the Congressional Budget Office; and

“(E) any other factors the Secretary considers relevant.

“(3) CREDITWORTHINESS.—Upon receipt of a proposal from an applicant for assistance under this section, the Secretary shall accept, as a basis for determining the amount of the credit risk premium under paragraph (2), in addition to the value of any collateral described in paragraph (5), any of the following:

“(A) The net present value of a future stream of State or local subsidy income or other dedicated revenues to secure the direct loan or loan guarantee.

“(B) Adequate coverage requirements to ensure repayment, on a nonrecourse basis, from cash flows generated by the project or any other dedicated revenue source, including—

“(i) tolls;

“(ii) user fees, including operating or tenant charges, facility rents, or other fees paid by transportation service providers or operators for access to, or the use of, infrastructure, including rail lines, bridges, tunnels, yards, or stations; and

“(iii) payments owing to the obligor under a public-private partnership.

“(C) An investment-grade rating on the direct loan or loan guarantee, as applicable, unless the total amount of the direct loan or loan guarantee is greater than \$150,000,000, in which case the applicant shall have an investment-grade rating from not fewer than 2 rating agencies regarding the direct loan or loan guarantee.

“(D) A projection of freight or passenger demand for the project based on regionally developed economic forecasts, including projections of any modal diversion resulting from the project.

“(4) PAYMENT OF PREMIUMS.—Credit risk premiums under this subsection shall be paid to the Secretary before the disbursement of loan amounts (and in the case of a modification, before the modification is executed), to the extent appropriations are not available to the Secretary to meet the costs of direct

loans and loan guarantees, including costs of modifications of direct loans and loan guarantees.

“(5) COLLATERAL.—

“(A) TYPES OF COLLATERAL.—An applicant or infrastructure partner may propose tangible and intangible assets as collateral, exclusive of goodwill. The Secretary, after evaluating each such asset—

“(i) shall accept a net liquidation value of collateral; and

“(ii) shall consider and may accept—

“(I) the market value of collateral; or

“(II) in the case of a blanket pledge or assignment of an entire operating asset or basket of assets as collateral, the net liquidation value, the market value of assets, or, the market value of the going concern, considering—

“(aa) inclusion in the pledge of all the assets necessary for independent operational utility of the collateral, including tangible assets such as real property, track and structure, equipment and rolling stock, stations, systems and maintenance facilities and intangible assets such as long-term shipping agreements, easements, leases and access rights such as for trackage and haulage;

“(bb) interchange commitments; and

“(cc) the value of the asset as determined through the cost or market approaches, or the market value of the going concern, with the latter considering discounted cash flows for a period not to exceed the term of the direct loan or loan guarantee.

“(B) APPRAISAL STANDARDS.—In evaluating appraisals of collateral under subparagraph (A), the Secretary shall consider—

“(i) adherence to the substance and principles of the Uniform Standards of Professional Appraisal Practice, as developed by the Appraisal Standards Board of the Appraisal Foundation;

“(ii) performance of the appraisal by licensed or certified appraisers as may be required by the State of jurisdiction for the type of asset being appraised; and

“(iii) the qualifications of the appraisers to value the type of collateral offered.

“(g) PREREQUISITES FOR ASSISTANCE.—The Secretary may not make a direct loan or loan guarantee under this section unless the Secretary has made a written finding that—

“(1) repayment of the obligation is required to be made within a term of the lesser of—

“(A) 35 years after the date of substantial completion of the project; or

“(B) with regard to rail equipment or facilities with estimated useful lives that exceed the term described in subparagraph (A)—

“(i) 50 years after the date of substantial completion of the project; or

“(ii) the estimated useful life of the rail equipment or facilities to be acquired, rehabilitated, improved, developed, or established, subject to an adequate determination of long-term risk;

“(2) the direct loan or loan guarantee is justified by the present and probable future demand for rail services or intermodal facilities;

“(3) the applicant has given reasonable assurances that the facilities or equipment to be acquired, rehabilitated, improved, developed, or established with the proceeds of the obligation will be economically and efficiently utilized;

“(4) the obligation can reasonably be repaid, using an appropriate combination of credit risk premiums and collateral offered by the applicant to protect the Federal Government; and

“(5) the purposes of the direct loan or loan guarantee are consistent with subsection (b).

“(h) CONDITIONS OF ASSISTANCE.—

“(1) IN GENERAL.—Before granting assistance under this section, the Secretary shall require the applicant to agree to such terms and conditions as are sufficient, in the judgment of the Secretary, to ensure that, as long as any principal or interest is due and payable on the obligation, the applicant, and any railroad or railroad partner for whose benefit the assistance is intended—

“(A) will not use any funds or assets from railroad or intermodal operations for purposes not related to the operations, if the use—

“(i) would impair the ability of the applicant, railroad, or railroad partner to provide rail or intermodal services in an efficient and economic manner; or

“(ii) would adversely affect the ability of the applicant, railroad, or railroad partner to perform any obligation entered into by the applicant under this section;

“(B) will, consistent with its capital resources, maintain its capital program, equipment, facilities, and operations on a continuing basis; and

“(C) will not make any discretionary dividend payments that unreasonably conflict with the purposes stated in subsection (b).

“(2) COLLATERAL AND REQUEST FOR ASSISTANCE FROM ANOTHER SOURCE NOT REQUIRED.—

“(A) COLLATERAL.—

“(i) IN GENERAL.—The Secretary may not require an applicant for a direct loan or loan guarantee under this section to provide collateral.

“(ii) VALUATION.—Any collateral provided or enhanced after being provided shall be valued as a going concern after giving effect to the present value of improvements contemplated by the completion and operation of the project, if applicable.

“(B) REQUEST FOR ASSISTANCE FROM ANOTHER SOURCE.—The Secretary may not require an applicant for a direct loan or loan guarantee under this section to have previously sought the financial assistance requested from another source.

“(3) REQUIRED COMPLIANCE.—The Secretary shall require recipients of direct loans or loan guarantees under this section to comply with—

“(A) the standards of section 24312, as in effect on September 1, 2002, with respect to the project in the same manner that Amtrak is required to comply with the standards for construction work financed under an agreement made under section 24308(a); and

“(B) the protective arrangements established under section 22404, with respect to employees affected by actions taken in connection with the project to be financed by the direct loan or loan guarantee.

“(4) MATCHING FUNDS.—The Secretary shall require each recipient of a direct loan or loan guarantee under this section, for a project described in subsection (b)(1)(E), to provide a non-Federal match of not less than 25 percent of the total amount expended by the recipient for the project.

“(i) APPLICATION PROCESSING PROCEDURES.—

“(1) APPLICATION STATUS NOTICES.—Not later than 30 days after the date on which the Secretary receives an application under this section, or additional information and material under paragraph (2)(B), the Secretary shall provide the applicant written notice as to whether the application is complete or incomplete.

“(2) INCOMPLETE APPLICATIONS.—If the Secretary determines that an application is incomplete, the Secretary shall—

“(A) provide the applicant with a description of all of the specific information or material that is needed to complete the application, including any information required by an independent financial analyst; and

“(B) allow the applicant to resubmit the application with the information and material described under subparagraph (A) to complete the application.

“(3) APPLICATION APPROVALS AND DISAPPROVALS.—

“(A) IN GENERAL.—Not later than 45 days after the date on which the Secretary notifies an applicant that an application is complete under paragraph (1), the Secretary shall provide the applicant written notice as to whether the Secretary has approved or disapproved the application.

“(B) ACTIONS BY THE OFFICE OF MANAGEMENT AND BUDGET.—In order to enable compliance with the time limit under subparagraph (A), the Office of Management and Budget shall take any action required with respect to the application within such 45-day period.

“(4) STREAMLINED APPLICATION REVIEW PROCESS.—

“(A) IN GENERAL.—Consistent with section 116, and not later than 180 days after date of the enactment of the Railroad Rehabilitation and Financing Innovation Act, the Secretary shall make available an expedited application process or processes at the request of applicants seeking loans or loan guarantees.

“(B) CRITERIA.—Applicants seeking loans and loan guarantees issued under this subsection shall—

“(i) seek a total loan or loan guarantee value not exceeding \$100,000,000;

“(ii) meet eligible project purposes included in subparagraphs (A)(i), (A)(ii), and (B) of subsection (b)(1); and

“(iii) meet other criteria considered appropriate by the Secretary, in consultation with the Department of Transportation Council on Credit and Finance.

“(C) EXPEDITED CREDIT REVIEW.—The total period between the submission of a draft application and the approval or disapproval of a loan or loan guarantee for an applicant under this paragraph may not exceed 90 days. If an application review conducted under this paragraph exceeds 90 days, the Secretary shall—

“(i) provide written notice to the applicant, including a justification for the delay and updated estimate of the time needed for approval or disapproval; and

“(ii) post the notice on the dashboard described in paragraph (5).

“(5) DASHBOARD.—The Secretary shall post, on the Department of Transportation's internet website, a monthly report that includes, for each application—

“(A) the applicant type;

“(B) the location of the project;

“(C) a brief description of the project, including its purpose;

“(D) the requested direct loan or loan guarantee amount;

“(E) the date on which the Secretary provided application status notice under paragraph (1);

“(F) the date that the Secretary provided notice of approval or disapproval under paragraph (3); and

“(G) whether the project utilized the expedited application process under paragraph (4).

“(6) REGULAR CREDITWORTHINESS REVIEW STATUS REPORTS.—

“(A) IN GENERAL.—The Secretary shall provide to the applicant a regular report containing information related to the application for a loan or loan guarantee, including—

“(i) a summary of the proposed transaction, including—

“(I) the total value of the proposed loan or loan guarantee;

“(II) the name of the applicant or applicants submitting an application;

“(III) the proposed capital structure of the project to which the loan or loan guarantee would be applied, including the proposed Federal and non-Federal shares of the total project cost;

“(IV) the type of activity to receive credit assistance, including whether the project—

“(aa) is new construction or rehabilitation of existing rail equipment or facilities;

“(bb) is a refinancing an existing loan or loan guarantee; and

“(V) if a deferred payment is proposed, the length of such deferment;

“(VI) the credit rating or ratings provided for the applicant;

“(VII) if other credit instruments are involved, the proposed subordination relationship and a description of such other credit instruments;

“(VIII) a schedule for the readiness of proposed investments for financing;

“(IX) a description of any Federal permits required, including under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) and any waivers under section 5323(j) of title 49, United States Code (commonly referred to as the ‘Buy America Act’); and

“(X) other characteristics of the proposed activity to be financed, borrower, key agreements, or the nature of the credit that the Secretary considers to be fundamental to the creditworthiness review;

“(ii) the status of the application in the pre-application review and selection process;

“(iii) the cumulative amounts paid by the Secretary to outside advisors related to the application, including financial and legal advisors;

“(iv) a description of the key rating factors used by the Secretary to determine credit risk, including—

“(I) the qualitative and quantitative factors used to determine risk for the proposed application;

“(II) an adjectival risk rating for each identified factor, ranked as either low, moderate, or high; and

“(v) a nonbinding estimate of the credit risk premium, which may be in the form of—

“(I) a range, based on the assessment of risk factors described in clause (iv); or

“(II) a justification for why the estimate of the credit risk premium cannot be determined based on available information; and

“(vi) a description of key information the Secretary needs from the applicant to complete the credit review process and make a final determination of the credit risk premium.

“(B) REPORT.—The Secretary shall submit the report described in subparagraph (A) not less frequently than every 45 days after the date on which the Secretary presents the first request to the applicant for funding to pay fees for advisors described in subparagraph (A)(iii).

“(C) EXCEPTION.—The report required under this paragraph may not be applied to applications processed using the expedited credit review process under paragraph (5)(B).

“(j) REPAYMENT SCHEDULES.—

“(1) IN GENERAL.—The Secretary shall establish a repayment schedule requiring payments to commence not later than 5 years after the date of substantial completion.

“(2) ACCRUAL.—Interest shall accrue as of the date of disbursement, and shall be amortized over the remaining term of the loan, beginning at the time the payments begin.

“(3) DEFERRED PAYMENTS.—

“(A) IN GENERAL.—If, at any time the date of substantial completion, the obligor is unable to pay the scheduled loan repayments of principal and interest on a direct loan provided under this section, the Secretary, subject to subparagraph (B), may allow, for a maximum aggregate time of 1 year over the duration of the direct loan, the obligor to

add unpaid principal and interest to the outstanding balance of the direct loan.

“(B) INTEREST.—A payment deferred under subparagraph (A) shall—

“(i) continue to accrue interest under paragraph (2) until the loan is fully repaid; and

“(ii) be scheduled to be amortized over the remaining term of the loan.

“(4) PREPAYMENTS.—

“(A) USE OF EXCESS REVENUES.—With respect to a direct loan provided by the Secretary under this section, any excess revenues that remain after satisfying scheduled debt service requirements on the project obligations and direct loan and all deposit requirements under the terms of any trust agreement, bond resolution, or similar agreement securing project obligations may be applied annually to prepay the direct loan without penalty.

“(B) USE OF PROCEEDS OF REFINANCING.—The direct loan may be prepaid at any time without penalty from the proceeds of refinancing from non-Federal funding sources.

“(k) SALE OF DIRECT LOANS.—

“(1) IN GENERAL.—Subject to paragraph (2) and as soon as practicable after substantial completion of a project, the Secretary, after notifying the obligor, may sell to another entity or reoffer into the capital markets a direct loan for the project if the Secretary determines that the sale or reoffering has a high probability of being made on favorable terms.

“(2) CONSENT OF OBLIGOR.—In making a sale or reoffering under paragraph (1), the Secretary shall not change the original terms and conditions of the secured loan without the prior written consent of the obligor.

“(l) NONSUBORDINATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a direct loan provided by the Secretary under this section shall not be subordinated to the claims of any holder of project obligations in the event of bankruptcy, insolvency, or liquidation of the obligor.

“(2) PREEXISTING INDENTURES.—

“(A) IN GENERAL.—The Secretary may waive the requirement under paragraph (1) for a public agency borrower that is financing ongoing capital programs and has outstanding senior bonds under a preexisting indenture if—

“(i) the direct loan is rated in the A category or higher;

“(ii) the direct loan is secured and payable from pledged revenues not affected by project performance, such as a tax-based revenue pledge or a system-backed pledge of project revenues; and

“(iii) the program share, under this chapter, of eligible project costs is 50 percent or less.

“(B) LIMITATION.—The Secretary may impose limitations for the waiver of the non-subordination requirement under this paragraph if the Secretary determines that the limitations would be in the financial interest of the Federal Government.

“(m) MASTER CREDIT AGREEMENTS.—

“(1) IN GENERAL.—Subject to paragraph (2) and to subsection (d), the Secretary may enter into a master credit agreement that is contingent on all of the conditions for the provision of a direct loan or loan guarantee, as applicable, under this chapter and other applicable requirements being satisfied prior to the issuance of the direct loan or loan guarantee.

“(2) CONDITIONS.—Each master credit agreement shall—

“(A) establish the maximum amount and general terms and conditions of each applicable direct loan or loan guarantee;

“(B) identify 1 or more dedicated non-Federal revenue sources that will secure the re-

payment of each applicable direct loan or loan guarantee;

“(C) provide for the obligation of funds—

“(i) for the direct loans or loan guarantees contingent on the meeting of all applicable requirements and after all requirements have been met, for the projects subject to the master credit agreement; and

“(D) provide 1 or more dates, as determined by the Secretary, before which the master credit agreement results in the disbursement issuance of each of the direct loans or loan guarantees or in the release of the master credit agreement.

#### “§ 22403. Administration of direct loans and loan guarantees

“(a) APPLICATIONS.—

“(1) IN GENERAL.—The Secretary shall prescribe the form and contents required of applications for assistance under section 22402, to enable the Secretary to determine the eligibility of the applicant's proposal, and shall establish terms and conditions for direct loans and loan guarantees made under that section, including a program guide, a standard term sheet, and specific timetables.

“(2) DOCUMENTATION.—An applicant meeting the size standard for small business concerns established under section 3(a)(2) of the Small Business Act (15 U.S.C. 632(a)(2)) may provide unaudited financial statements as documentation of historical financial information if such statements are accompanied by the applicant's Federal tax returns and Internal Revenue Service tax verifications for the corresponding years.

“(b) FULL FAITH AND CREDIT.—All guarantees entered into by the Secretary under section 22402 shall constitute general obligations of the United States of America and shall be backed by the full faith and credit of the United States of America.

“(c) ASSIGNMENT OF LOAN GUARANTEES.—The holder of a loan guarantee made under section 22402 may assign the loan guarantee in whole or in part, subject to such requirements as the Secretary may prescribe.

“(d) MODIFICATIONS.—The Secretary may approve the modification of any term or condition of a direct loan, loan guarantee, direct loan obligation, or loan guarantee commitment, including the rate of interest, time of payment of interest or principal, or security requirements, if the Secretary finds in writing that—

“(1) the modification is equitable and is in the overall best interests of the United States;

“(2) consent has been obtained from the applicant and in the case of a loan guarantee or loan guarantee commitment, the holder of the obligation; and

“(3) the modification cost has been covered under section 22402(f).

“(e) COMPLIANCE.—The Secretary shall ensure compliance by an applicant, any other party to the loan, and any railroad or railroad partner for whose benefit assistance is intended, with the provisions of this chapter, regulations issued under this chapter, and the terms and conditions of the direct loan or loan guarantee, including through regular periodic inspections.

“(f) COMMERCIAL VALIDITY.—

“(1) IN GENERAL.—For purposes of claims by any party other than the Secretary, a loan guarantee or loan guarantee commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this chapter, and that the obligation has been approved and is legal as to principal, interest, and other terms.

“(2) VALID AND INCONTESTABLE.—A guarantee or commitment under paragraph (1) shall be valid and incontestable in the hands of a holder of the guarantee or commitment, including the original lender or any other

holder, as of the date when the Secretary granted the application for the guarantee or commitment, except as to fraud or material misrepresentation by the holder.

“(g) DEFAULT.—

“(1) IN GENERAL.—The Secretary shall prescribe regulations setting forth procedures in the event of default on a loan made or guaranteed under section 22402.

“(2) LOAN GUARANTEES.—The Secretary shall ensure that each loan guarantee made under section 22402 contains terms and conditions that provide that—

“(A) if a payment of principal or interest under the loan is in default for more than 30 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, the amount of unpaid guaranteed interest;

“(B) if the default has continued for more than 90 days, the Secretary shall pay to the holder of the obligation, or the holder's agent, 90 percent of the unpaid guaranteed principal;

“(C) after final resolution of the default, through liquidation or otherwise, the Secretary shall pay to the holder of the obligation, or the holder's agent, any remaining amounts guaranteed but that were not recovered through the default's resolution;

“(D) the Secretary shall not be required to make any payment under subparagraphs (A) through (C) if the Secretary finds, before the expiration of the periods described in such subparagraphs, that the default has been remedied; and

“(E) the holder of the obligation shall not receive payment or be entitled to retain payment in a total amount that, together with all other recoveries (including any recovery based upon a security interest in equipment or facilities) exceeds the actual loss of the holder.

“(h) RIGHTS OF THE SECRETARY.—

“(1) SUBROGATION.—If the Secretary makes payment to a holder, or a holder's agent, under subsection (g) in connection with a loan guarantee made under section 22402, the Secretary shall be subrogated to all of the rights of the holder with respect to the obligation under the loan.

“(2) DISPOSITION OF PROPERTY.—The Secretary may complete, recondition, reconstruct, renovate, repair, maintain, operate, charter, rent, sell, or otherwise dispose of any property or other interests obtained pursuant to this section. The Secretary shall not be subject to any Federal or State regulatory requirements when carrying out this paragraph.

“(i) ACTION AGAINST OBLIGOR.—

“(1) IN GENERAL.—The Secretary may bring a civil action in an appropriate Federal court in the name of the United States in the event of a default on a direct loan made under section 22402 or in the name of the United States or of the holder of the obligation in the event of a default on a loan guaranteed under section 22402.

“(2) RECORDS AND EVIDENCE.—The holder of a guarantee shall make available to the Secretary all records and evidence necessary to prosecute the civil action.

“(3) PROPERTY AS SATISFACTION OF SUMS OWED.—The Secretary may accept property in full or partial satisfaction of any sums owed as a result of a default.

“(4) EXCESS AMOUNT.—

“(A) PAYMENT TO OBLIGOR.—If the Secretary receives, through the sale or other disposition of the property described in paragraph (3), an excess amount described in subparagraph (B), the Secretary shall pay to the obligor the excess amount.

“(B) AMOUNT.—An excess amount under this subparagraph is an amount the exceeds the aggregate of—

“(i) the amount paid to the holder of a guarantee under subsection (g); and

“(ii) any other cost to the United States of remedying the default.

“(j) BREACH OF CONDITIONS.—The Attorney General shall commence a civil action in an appropriate Federal court to enjoin any activity that the Secretary finds is in violation of this chapter, regulations issued under this chapter, or any conditions that were agreed to, and to secure any other appropriate relief.

“(k) ATTACHMENT.—No attachment or execution may be issued against the Secretary, or any property in the control of the Secretary, prior to the entry of final judgment to that effect in any Federal, State, or other court.

“(l) CHARGES AND LOAN SERVICING.—

“(1) PURPOSES.—The Secretary may collect from each applicant, obligor, or loan party a reasonable charge for—

“(A) the cost of evaluating the application, amendments, modifications, and waivers, including for evaluating project viability, applicant creditworthiness, and the appraisal of the value of the equipment or facilities for which the direct loan or loan guarantee is sought, and for making necessary determinations and findings;

“(B) to cost of award management and project management oversight;

“(C) the cost of services from expert firms, including counsel, and independent financial advisors to assist in the underwriting, auditing, servicing, and exercise of rights with respect to direct loans and loan guarantees; and

“(D) the cost of all other expenses incurred as a result of a breach of any term or condition or any event of default on a direct loan or loan guarantee.

“(2) CHARGE DIFFERENT AMOUNTS.—The Secretary may charge different amounts under this subsection based on the different costs incurred under paragraph (1).

“(3) SERVICER.—

“(A) IN GENERAL.—The Secretary may appoint a financial entity to assist the Secretary in servicing a direct loan or loan guarantee under this chapter.

“(B) DUTIES.—A servicer appointed under subparagraph (A) shall act as the agent of the Secretary in servicing a direct loan or loan guarantee under this chapter.

“(C) FEES.—A servicer appointed under subparagraph (A) shall receive a servicing fee from the obligor or other loan party, subject to approval by the Secretary.

“(4) NATIONAL SURFACE TRANSPORTATION AND INNOVATIVE FINANCE BUREAU ACCOUNT.—Amounts collected under this subsection shall—

“(A) be credited directly to the National Surface Transportation and Innovative Finance Bureau Account; and

“(B) remain available until expended to pay for the costs described in this subsection.

“(m) FEES AND CHARGES.—Except as provided in this chapter, the Secretary may not assess fees, including user fees, or charges in connection with a direct loan or loan guarantee provided under section 22402.

#### “§ 22404. Employee protection

“(a) IN GENERAL.—

“(1) FAIR AND EQUITABLE ARRANGEMENTS.—Fair and equitable arrangements shall be provided, in accordance with this section, to protect the interests of any employees who may be affected by actions taken pursuant to authorizations or approval obtained under this chapter.

“(2) ARRANGEMENTS BY AGREEMENTS.—The arrangements under paragraph (1) shall be determined by the execution of an agreement between the representatives of the railroads and the representatives of their employees not later than June 4, 1976.

“(3) PRESCRIBED ARRANGEMENTS.—In the absence of an executed agreement under paragraph (2), the Secretary of Labor shall prescribe the applicable protective arrangements not later than July 4, 1976.

“(b) TERMS.—

“(1) APPLICABILITY TO EXISTING EMPLOYEES.—The arrangements required under subsection (a) shall apply to each employee who has an employment relationship with a railroad on the date on which the railroad first applies for financial assistance under this chapter.

“(2) INCLUSIONS.—Such arrangements shall include such provisions as may be necessary for the negotiation and execution of agreements as to the manner in which the protective arrangements shall be applied, including notice requirements.

“(3) EXECUTION PRIOR TO IMPLEMENTATION OF WORK.—The agreements shall be executed prior to implementation of work funded from financial assistance under this chapter.

“(4) ARBITRATION.—

“(A) IN GENERAL.—If an agreement described in subsection (a)(2) is not reached within 30 days after the date on which an application for the assistance is approved, either party to the dispute may submit the issue for final and binding arbitration.

“(B) DECISION.—

“(i) WHEN DECISION IS TO BE RENDERED.—The decision on any arbitration under this paragraph shall be rendered within 30 days after the submission.

“(ii) EFFECT.—The arbitration decision—

“(I) shall not modify the protection afforded in the protective arrangements established pursuant to this section;

“(II) shall be final and binding on the parties to the arbitration; and

“(III) shall become a part of the agreement.

“(5) OTHER INCLUSIONS.—The arrangements shall also include such provisions as may be necessary—

“(A) for the preservation of compensation (including subsequent general wage increases, vacation allowances, and monthly compensation guarantees), right, privileges, and benefits (including fringe benefits such as pensions, hospitalization, and vacations, under the same conditions and so long as the benefits continue to be accorded to other employees of the employing railroad in active service or on furlough, as the case may be) to the employees under existing collective-bargaining agreements or otherwise;

“(B) to provide for final and binding arbitration of any dispute that cannot be settled by the parties with respect to the interpretation, application, or enforcement of the provisions of the protective arrangements;

“(C) to provide that an employee who is unable to secure employment by the exercise of the employee's seniority rights, as a result of actions taken with financial assistance obtained under this chapter, shall be offered reassignment and, where necessary, retraining to fill a position comparable to the position held at the time of the adverse effect and for which the employee is, or by training and retraining can become, physically and mentally qualified, so long as the offer is not in contravention of collective bargaining agreements relating to the provisions in this paragraph; and

“(D) to provide that the protection afforded pursuant to this section shall not be applicable to employees benefitted solely as a result of the work that is financed by funds provided pursuant to this chapter.

“(c) SUBCONTRACTING.—The arrangements that are required to be negotiated by the parties or prescribed by the Secretary of Labor, pursuant to subsections (a) and (b), shall include provisions regulating subcontracting by the railroads of work that is fi-

nanced by funds provided pursuant to this chapter.

#### “§ 22405. Substantive criteria and standards

“The Secretary shall publish in the Federal Register and post on the Department of Transportation website the substantive criteria and standards used by the Secretary to determine whether to approve or disapprove applications submitted under section 22404. The Secretary shall ensure adequate procedures and guidelines are in place to permit the filing of complete applications not later than 30 days after such publication.

#### “§ 22406. Funding

“(a) AUTHORIZATION OF APPROPRIATIONS.—

“(1) IN GENERAL.—There are authorized to be appropriated out of the General Fund for credit assistance under this chapter—

“(A) \$30,000,000 for fiscal year 2022;

“(B) \$31,000,000 for fiscal year 2023;

“(C) \$32,000,000 for fiscal year 2024;

“(D) \$33,000,000 for fiscal year 2025; and

“(E) \$34,000,000 for fiscal year 2026.

“(2) AVAILABILITY.—Amounts appropriated pursuant to this subsection shall remain available until expended.

“(b) USE OF FUNDS.—

“(1) IN GENERAL.—Except as provided in paragraph (2), amounts appropriated pursuant to this section shall be used for loans and loan guarantees with a total value of not more than \$200,000,000.

“(2) ADMINISTRATIVE COSTS.—In each fiscal year, not less than \$3,000,000 of the amounts appropriated pursuant to subsection (a) shall be made available for the Secretary for use in lieu of charges collected under section 22403(1)(1) for freight railroads other than Class I carriers and passenger railroads.

“(3) SHORT LINE SET-ASIDE.—In each fiscal year, not less than 50 percent of the amounts appropriated pursuant to subsection (a) that remain available after the set aside described in paragraph (2) shall be set aside for freight railroads other than Class I carriers.

“(4) PASSENGER RAIL SET-ASIDE.—Any amounts appropriated pursuant to subsection (a) that remain available after the set-asides described in paragraphs (2) and (3) shall be set aside for passenger railroads.”.

(b) CLERICAL AMENDMENT.—The table of chapters for title 49, United States Code, is amended by inserting after the item relating to chapter 223 the following:

“CHAPTER 224—RAILROAD REHABILITATION AND IMPROVEMENT FINANCING PROGRAM”.

#### SEC. 3. CONFORMING AMENDMENTS.

(a) NATIONAL TRAILS SYSTEM ACT.—Section 8(d) of the National Trails System Act (16 U.S.C. 1247(d)) is amended by inserting “(45 U.S.C. 801 et seq.) and chapter 224 of title 49, United States Code” after “1976”.

(b) PASSENGER RAIL REFORM AND INVESTMENT ACT.—Section 11315(c) of the Passenger Rail Reform and Investment Act of 2015 (23 U.S.C. 322 note; Public Law 114-94) is amended by striking “sections 502 and 503 of the Railroad Revitalization and Regulatory Reform Act of 1976” and inserting “sections 22402 and 22403 of title 49, United States Code”.

(c) PROVISIONS CLASSIFIED IN TITLE 45, UNITED STATES CODE.—

(1) Section 101 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801) is amended—

(A) in subsection (a), in the matter preceding paragraph (1), by striking “It is the purpose of the Congress in this Act to” and inserting “The purpose of this Act and chapter 224 of subtitle V of title 49, United States Code, is to”; and

(B) in subsection (b), in the matter preceding paragraph (1), by striking “It is declared to be the policy of the Congress in this Act” and inserting “The policy of this



Act and chapter 224 of title 49, United States Code, is”.

(2) Section 11607(b) of the Railroad Infrastructure Financing Improvement Act (Public Law 114-94; 45 U.S.C. 821 note) is amended by striking “All provisions under sections 502 through 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 8301 et seq.)” and inserting “All provisions under section 22404 through 22404 of title 49, United States Code”.

(3) Section 11610(b) of the Railroad Infrastructure Financing Improvement Act (Public Law 114-94; 45 U.S.C. 821 note) is amended by striking “section 502(f) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)), as amended by section 11607 of this Act” and inserting “section 22402(f) of title 49, United States Code”.

(4) Section 7203(b)(2) of the Transportation Equity Act for the 21st Century (Public Law 105-178; 45 U.S.C. 821 note) is amended by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code”.

(5) Section 212(d)(1) of Hamm Alert Maritime Safety Act of 2018 (title II of Public Law 115-265; 45 U.S.C. 822 note) is amended, in the matter preceding subparagraph (A), by striking “for purposes of section 502(f)(4) of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822(f)(4))” and inserting “for purposes of section 22402 of title 49, United States Code”.

(6) Section 15(f) of the Milwaukee Railroad Restructuring Act (45 U.S.C. 914(f)) is amended by striking “Section 516 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)” and inserting “Section 22404 of title 49, United States Code”.

(7) Section 104(b) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1003(b)) is amended—

(A) in paragraph (1), by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code,”; and

(B) in paragraph (2), by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and section 516 of such Act (45 U.S.C. 836)” and inserting “chapter 224 of title 49, United States Code, and section 22404 of title 49, United States Code”.

(8) Section 104(b)(2) of the Rock Island Railroad Transition and Employee Assistance Act (45 U.S.C. 1003(b)(2)) is amended by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976, and section 516 of such Act (45 U.S.C. 836)” and inserting “chapter 224 of title 49, United States Code, and section 22404 of such title 49”.

(d) TITLE 49.—

(1) Section 116(d)(1)(B) of title 49, United States Code, is amended by striking “sections 501 through 503 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821-823)” and inserting “sections 22401 through 22403 of this title”.

(2) Section 306(b) of title 49, United States Code, is amended—

(A) by striking “chapter 221 or 249 of this title,” and inserting “chapter 221, 224, or 249 of this title,”; and

(B) by striking “, or title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)”.

(3) Section 11311(d) of the Passenger Rail Reform and Investment Act of 2015 (Public Law 114-94; 49 U.S.C. 20101 note) is amended by striking “, and section 502 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 822)”.

(4) Section 205(g) of the Passenger Rail Investment and Improvement Act of 2008 (division B of Public Law 110-432; 49 U.S.C. 24101

note) is amended by striking “title V of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 821 et seq.)” and inserting “chapter 224 of title 49, United States Code”.

(5) Section 22905(c)(2)(B) of title 49, United States Code, is amended by striking “section 504 of the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 836)” and inserting “section 22404 of this title”.

(6) Section 24903 of title 49, United States Code, is amended—

(A) in subsection (a)(6), by striking “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)” and inserting “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title”; and

(B) in subsection (c)(2), by striking “and the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.)” and inserting “, the Railroad Revitalization and Regulatory Reform Act of 1976 (45 U.S.C. 801 et seq.), and chapter 224 of this title”.

#### SEC. 4. TRANSITIONAL AND SAVINGS PROVISIONS.

(a) DEFINITIONS.—In this section:

(1) **RESTATED PROVISION.**—The term “restated provision” means a provision of chapter 224 of title 49, United States Code, as added by section 2.

(2) **SOURCE PROVISION.**—The term “source provision” means a provision of law that is replaced by a restated provision.

(b) **CUTOFF DATE.**—

(1) **IN GENERAL.**—The restated provisions replace certain source provisions enacted on or before December 31, 2020.

(2) **SUBSEQUENT AMENDMENTS AND REPEALS.**—If a law enacted after December 31, 2020 amends or repeals a source provision, that law is deemed to amend or repeal, as the case may be, the corresponding restated provision. If a law enacted after December 31, 2020 is otherwise inconsistent with a restated provision of this Act, that law supersedes the restated provision of this Act to the extent of the inconsistency.

(c) **ORIGINAL DATE OF ENACTMENT UNCHANGED.**—A restated provision is deemed to have been enacted on the date of enactment of the corresponding source provision.

(d) **REFERENCES TO RESTATED PROVISIONS.**—A reference to a restated provision is deemed to refer to the corresponding source provision.

(e) **REFERENCES TO SOURCE PROVISIONS.**—A reference to a source provision, including a reference in a regulation, order, or other law, is deemed to refer to the corresponding restated provision.

(f) **REGULATIONS, ORDERS, AND OTHER ADMINISTRATIVE ACTIONS.**—A regulation, order, or other administrative action in effect under a source provision continues in effect under the corresponding restated provision.

(g) **ACTIONS TAKEN AND OFFENSES COMMITTED.**—An action taken or an offense committed under a source provision is deemed to have been taken or committed under the corresponding restated provision.

#### SEC. 5. REPEALS.

The following provisions of law are repealed, except with respect to rights and duties that matured, penalties that were incurred, or proceedings that were begun before the date of enactment of this Act:

#### Schedule of Laws Repealed

Act	Section	United States Code Former Classification
Railroad Revitalization and Regulatory Reform Act of 1976 (Public Law 94-210) .....	501 .....	45 U.S.C. 821.
	502 .....	45 U.S.C. 822.
	503 .....	45 U.S.C. 823.
	504 .....	45 U.S.C. 836.
Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users or SAFETEA-LU (Public Law 109-59) .....	9003(j) .....	45 U.S.C. 822 note.

By Mr. KAINÉ (for himself and Mr. WARNER):

S. 470. A bill to authorize the Secretary of the Interior to conduct a study to assess the suitability and feasibility of designating certain land as the Great Dismal Swamp National Heritage Area, and for other purposes; to the Committee on Environment and Public Works.

Mr. KAINÉ. Mr. President, today I am introducing a bill to assess the feasibility of establishing a National Heritage Area in the Great Dismal Swamp, as part of an effort to study, recognize, and preserve the historic and natural treasures within this region.

As we continue to celebrate Black History Month, this bill underscores the ties between the natural landmark and African American history. The Great Dismal Swamp contains one of the largest collections of artifacts from maroon colonies, and it served as both a home for early colonial Free People of Color as well as one of a few known water-based stops for freedom seekers on the Underground Railroad. The Great Dismal Swamp also encompasses historic and ancestral lands of Native American tribes such as the Nansemond Indian Nation and the Haliwa-Saponi and Meherrin Tribes.

Today, the Dismal Swamp offers unique educational opportunities, recreational adventures, and environmental benefits. It is an important wildlife refuge for an impressive and diverse list of animal, insect, and plant species. If designated as a National Heritage Area, local communities will have access to technical assistance and advice from the National Park Service while maintaining full ownership, authority over decision-making, and stewardship of the biodiverse land.

I am pleased to be joined by my colleague Senator MARK WARNER on this bill, and I am thankful to Congressman DONALD MCEACHIN's leadership on this effort in the House with Representatives BOBBY SCOTT, G.K. BUTTERFIELD, and ELAINE LURIA. There is great potential for community and economic development stemming from a National Heritage Area designation. I

look forward to such grassroots, community-driven development, and plan to personally contribute to the boosted tourism and recreation. As a student of history I am looking forward to learning more from the trove of culture and history the Dismal has to offer.

I encourage the Senate to consider this legislation to help highlight, study, and conserve the unique ecology and cultural history contained in the Great Dismal Swamp for generations to come.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 473. A bill to amend the CARES Act to extend the subset for the definition of a small business debtor, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 473

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “COVID-19 Bankruptcy Relief Extension Act of 2021”.

#### SEC. 2. EXTENSIONS.

(a) IN GENERAL.—Section 1113 of the CARES Act (Public Law 116-136) is amended—

(1) in subsection (a)(5) (11 U.S.C. 1182 note), by striking “1 year” and inserting “2 years”; and

(2) in subsection (b)(2)(B) (11 U.S.C. 101 note), by striking “1 year” and inserting “2 years”.

(b) MODIFICATION OF PLAN AFTER CONFIRMATION.—

(1) Section 1329(d)(1) of title 11, United States Code, is amended, in the matter preceding subparagraph (A), by striking “this subsection” and inserting “the COVID-19 Bankruptcy Relief Extension Act of 2021”.

(2) Section 1113(b)(1)(D)(ii) of the CARES Act (11 U.S.C. 1329 note) is amended by striking “this Act” and inserting “the COVID-19 Bankruptcy Relief Extension Act of 2021”.

(c) BANKRUPTCY RELIEF.—Section 1001 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260) is amended by striking “the date that is 1 year after the date of enactment of this Act” each place the term appears and inserting “March 27, 2022”.

#### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 76—CONGRATULATING THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION ON THE CELEBRATION OF ITS 100TH ANNIVERSARY ON FEBRUARY 19, 2021, AND RECOGNIZING THE VITAL CONTRIBUTIONS ITS MEMBERS HAVE MADE TO THE UNITED STATES OVER THE PAST 100 YEARS

Mr. CARDIN (for himself, Mr. LANKFORD, Mr. VAN HOLLEN, Ms. MURKOWSKI, Mr. KAINE, and Mr. WARNER)

submitted the following resolution; which was considered and agreed to:

S. RES. 76

Whereas people in the United States depend on civil servants to carry out the important work of the Federal Government, including—

(1) civilian defense employees who support and equip the United States Armed Forces;

(2) doctors and nurses who care for veterans returning home from war;

(3) cybersecurity professionals who protect critical infrastructure and respond to emerging threats;

(4) scientists and researchers who respond to pandemics and develop new cures for diseases;

(5) Federal law enforcement and intelligence officers who protect the United States from foreign and domestic threats to its physical security;

(6) prosecutors and judges who uphold the laws;

(7) prison guards who keep violent criminals off the streets;

(8) postal workers who keep communities connected and the economy churning;

(9) benefit officers and administrators who deliver important Federal retirement and health benefits; and

(10) revenue agents who ensure the United States has the necessary funds to carry out the work described in paragraphs (1) through (9);

Whereas the National Active and Retired Federal Employees Association (referred to in this preamble as the “NARFE”) was founded in 1921 as the Association of Retired Federal Employees to defend and advance the retirement benefits of civil servants who serve the United States in honor of their service;

Whereas NARFE serves a critical function in promoting the general welfare of the civil servants who serve the United States by delivering valuable guidance, timely resources, and powerful advocacy relating to the earned pay and benefits of the civil servants;

Whereas NARFE is a trusted source of knowledge for the Federal community, Congress, the executive branch, and the media;

Whereas NARFE, a leading voice in Washington and across the country, advocates tirelessly on behalf of the Federal community with the support of grassroots activists in every State and congressional district;

Whereas NARFE provides both Federal workers and retirees with clear, reliable, and accessible counsel to navigate the unique and complex issues relating to their benefits so they can make critical decisions and gain confidence in a secure future; and

Whereas NARFE represents more than 170,000 Federal employees, retirees, and their survivors: Now, therefore, be it

*Resolved*, That the Senate—

(1) congratulates and honors the National Active and Retired Federal Employees Association (referred to in this resolution as the “NARFE”) on the celebration of its 100th anniversary;

(2) commends the civil servants who serve the United States for their outstanding contributions to the United States;

(3) recognizes the vital contributions NARFE members have made to the United States over the past 100 years; and

(4) respectfully requests that the Secretary of the Senate transmit an enrolled copy of this resolution to the National President and Executive Director of the NARFE.

SENATE RESOLUTION 77—DESIGNATING THE WEEK OF FEBRUARY 22 THROUGH FEBRUARY 26, 2021, AS “PUBLIC SCHOOLS WEEK”

Mr. TESTER (for himself, Ms. COLLINS, Mr. KING, Ms. HASSAN, Mr. CARPER, Mr. WYDEN, Mr. MERKLEY, Mr. MARKEY, Mr. BENNET, Mr. COONS, Ms. CANTWELL, Mr. SANDERS, Mr. REED, Mr. BLUMENTHAL, Mr. KAINE, Mr. VAN HOLLEN, Ms. BALDWIN, Mr. BROWN, Mr. WARNER, Mr. BOOKER, Mrs. MURRAY, Mr. CASEY, Mrs. FEINSTEIN, Mr. WHITEHOUSE, Ms. ROSEN, Ms. HIRONO, Mr. MANCHIN, Ms. WARREN, Mrs. SHAHEEN, Mr. MURPHY, Mr. CARDIN, Ms. KLOBUCHAR, Ms. DUCKWORTH, Ms. SINEMA, Ms. ERNST, Mrs. CAPITO, Mr. BOOZMAN, and Mr. DURBIN) submitted the following resolution; which was considered and agreed to:

S. RES. 77

Whereas public education is a significant institution in a 21st-century democracy;

Whereas public schools in the United States are where students come to be educated about the values and beliefs that hold the individuals of the United States together as a nation;

Whereas public schools prepare young individuals of the United States to contribute to the society, economy, and citizenry of the country;

Whereas 90 percent of children in the United States attend public schools;

Whereas Federal, State, and local lawmakers should—

(1) prioritize support for strengthening the public schools of the United States;

(2) empower superintendents, principals, and other school leaders to implement, manage, and lead school districts and schools in partnership with educators, parents, and other local education stakeholders; and

(3) support services and programs that are critical to helping students engage in learning, including counseling, extracurricular activities, and mental health supports;

Whereas public schools should foster inclusive, safe, and high-quality environments in which children can learn to think critically, problem solve, and build relationships;

Whereas public schools should provide environments in which all students have the opportunity to succeed beginning in their earliest years, regardless of who a student is or where a student lives;

Whereas Congress should support—

(1) efforts to advance equal opportunity and excellence in public education;

(2) efforts to implement evidence-based practices in public education; and

(3) continuous improvements to public education;

Whereas every child should—

(1) receive an education that helps the child reach the full potential of the child; and

(2) attend a school that offers a high-quality educational experience;

Whereas Federal funding, in addition to State and local funds, supports the access of students to inviting classrooms, well-prepared educators, and services to support healthy students, including nutrition and afterschool programs;

Whereas teachers, paraprofessionals, and principals should provide students with a well-rounded education and strive to create joy in learning;

Whereas superintendents, principals, other school leaders, teachers, paraprofessionals, and parents make public schools vital components of communities and are working

hard to improve educational outcomes for children across the country; and

Whereas the week of February 22 through February 26, 2021, is an appropriate period to designate as “Public Schools Week”: Now, therefore, be it

*Resolved*, That the Senate designates the week of February 22 through February 26, 2021, as “Public Schools Week”.

# SENATE CONCURRENT RESOLUTION 6—URGING THE ESTABLISHMENT OF A UNITED STATES COMMISSION ON TRUTH, RACIAL HEALING, AND TRANSFORMATION

Mr. BOOKER (for himself, Mr. MARKEY, Mr. BLUMENTHAL, Mr. BROWN, Ms. WARREN, Mr. COONS, Mr. MENENDEZ, Mr. MERKLEY, Mr. SANDERS, Mr. WHITEHOUSE, Ms. DUCKWORTH, Ms. KLOBUCHAR, Mr. DURBIN, and Mr. PADILLA) submitted the following concurrent resolution; which was referred to the Committee on the Judiciary:

S. CON. RES. 6

Whereas the first ship carrying enslaved Africans to what is now known as the United States of America arrived in 1619;

Whereas that event 400 years ago was significant not only because it ushered in the institution of chattel slavery of African Americans, but also because it facilitated the systematic oppression of all people of color that has been a devastating and insufficiently understood and acknowledged aspect of our Nation's history over those past 400 years, and that has left a legacy of that oppression that haunts our Nation to this day;

Whereas the institution of chattel slavery in the United States subjugated African Americans for nearly 250 years, fractured our Nation, and made a mockery of its founding principle that “all men are created equal”;

Whereas the signing of the Constitution of the United States failed to end slavery and oppressions against African Americans and other people of color, thus embedding in society the belief in the myth of a hierarchy of human value based on superficial physical characteristics such as skin color and facial features, and resulting in purposeful and persistent racial inequities in education, health care, employment, Social Security and veteran benefits, land ownership, financial assistance, food security, wages, voting rights, and the justice system;

Whereas that oppression denied opportunity and mobility to African Americans and other people of color within the United States, resulting in stolen labor worth billions of dollars while ultimately forestalling landmark contributions that African Americans and other people of color would make in science, arts, commerce, and public service;

Whereas Reconstruction represented a significant but constrained moment of advances for Black rights as epitomized by the Freedman's Bureau, which negotiated labor contracts for ex-slaved people but failed to secure their own land for them;

Whereas the brutal overthrow of Reconstruction failed all individuals in the United States by failing to ensure the safety and security of African Americans and by emboldening States and municipalities in both the North and South to enact numerous laws and policies to stymie the socioeconomic mobility and political voice of freed Blacks, thus maintaining their subservience to Whites;

Whereas Reconstruction, the civil rights movement, and other efforts to redress the grievances of marginalized people were sabo-

taged, both intentionally and unintentionally, by those in power, thus rendering the accomplishments of those efforts transitory and unsustainable, and further embedding the racial hierarchy in society;

Whereas examples of government actions directed against populations of color (referred to in this resolution as “discriminatory government actions”) include—

(1) the creation of the Federal Housing Administration, which adopted specific policies designed to incentivize residential segregation;

(2) the enactment of legislation creating the Social Security program, for which most African Americans were purposely rendered ineligible during its first 2 decades;

(3) the Servicemen's Readjustment Act of 1944 (commonly known as the “G.I. Bill of Rights”; 58 Stat. 284, chapter 268), which left administration of its programs to the States, thus enabling blatant discrimination against African American veterans;

(4) the Fair Labor Standards Act of 1938, which allowed labor unions to discriminate based on race;

(5) subprime lending aimed purposefully at families of color;

(6) disenfranchisement of Native Americans, who, until 1924, were denied citizenship on land Native Americans had occupied for millennia;

(7) Federal Indian Boarding School policy during the 19th and 20th centuries, the purpose of which was to “civilize” Native children through methods intended to eradicate Native cultures, traditions, and languages;

(8) land policies toward Indian Tribes, such as the allotment policy, which caused the loss of over 90,000,000 acres of Tribal lands, even though two-thirds of that acreage was guaranteed to Indian Tribes by treaties and other Federal laws, and similar unjustified land grabs from Indian Tribes that occurred regionally throughout the late 1800s and into the termination era in the 1950s and 1960s;

(9) the involuntary removal of Mexicans and United States citizens of Mexican descent through large-scale discriminatory deportation programs in the 1930s and 1950s;

(10) the United States annexation of Puerto Rico, which made Puerto Ricans citizens of the United States without affording them voting rights;

(11) racial discrimination against Latino Americans, which has forced Latino Americans to fight continuously for equal access to employment, housing, health care, financial services, and education;

(12) the Act entitled “An Act to execute certain treaty stipulations relating to Chinese”, approved May 6, 1892 (commonly known as the “Chinese Exclusion Act”; 22 Stat. 58, chapter 126), which effectively halted immigration from China and barred Chinese immigrants from becoming citizens of the United States, and which was the first instance of xenophobic legislation signed into law specifically targeting a specific group of people based on ethnicity;

(13) the treatment of Japanese Americans, despite no evidence of disloyalty, as suspect and traitorous in the very country they helped to build, leading most notably to the mass incarceration of Japanese Americans beginning in 1942;

(14) the conspiracy to overthrow the Kingdom of Hawaii and annex the land of the Kingdom of Hawaii, without the consent of or compensation to the Native Hawaiian people of Hawaii; and

(15) the United States history of colonialism in the Pacific, which has resulted in economic, health, and educational disparities among other inequities, for people in United States territories, as well as independent nations with which the United States has treaty obligations;

Whereas those discriminatory government actions, among other government policies that have had racially disparate impacts, have disproportionately barred African Americans and other people of color from building wealth, thus limiting potential capital and exacerbating the racial wealth gap;

Whereas research has shown that the persistent racial wealth gap has had a significant negative impact on other racial disparities, such as the achievement gap, disparities in school dropout rates, income gaps, disparities in home ownership rates, health outcome disparities, and disparities in incarceration rates;

Whereas United States civic leaders and foundations have spearheaded critical efforts to advance racial healing, understanding, and transformation within the United States, recognizing that it is in our collective national interest to urgently address the unhealed, entrenched divisions that will severely undermine our democracy if they are allowed to continue to exist;

Whereas many of the most far-reaching victories for racial healing in the United States have been greatly enhanced by the involvement, support, and dedication of individuals from any and all racial groups;

Whereas at the same time, much of the progress toward racial healing and racial equity in the United States has been limited or reversed by our failure to address the root cause of racism, the belief in the myth of a hierarchy of human value based on superficial physical characteristics such as skin color and facial features;

Whereas the United States institution of slavery, as well as other examples enumerated in this resolution, represent intentional and blatant violations of the most basic right of every individual in the United States to a free and decent life;

Whereas the consequences of oppression against people of color have cascaded for centuries, across generations, beyond the era of active enslavement, imperiling for descendants of slaves and other targets of oppression what should have otherwise been the right of every individual in the United States to life, liberty, and the pursuit of happiness;

Whereas more than 40 countries have reckoned with historical injustice and its aftermath through forming Truth and Reconciliation Commissions to move toward restorative justice and to return dignity to their citizens;

Whereas for 3 decades there has been a growing movement inside and outside Congress to have the Federal Government develop material remedies for the institution of slavery, including through a Commission to Study and Develop Reparation Proposals for African Americans described in H.R. 40, 117th Congress, as introduced on January 4, 2021, and S. 40, 117th Congress, as introduced on January 25, 2021;

Whereas the formation of a United States Commission on Truth, Racial Healing, and Transformation does not supplant the formation of a Commission to Study and Develop Reparation Proposals for African Americans, but rather complements that effort; and

Whereas contemporary social science, medical science, and the rapidly expanding use of artificial intelligence and social media reveal the costs and potential threats to our democracy if we continue to allow unhealed, entrenched divisions to be ignored and exploited: Now, therefore, be it

*Resolved by the Senate (the House of Representatives concurring)*, That Congress—

(1) affirms, on the 400th anniversary of the arrival of the first slave ship to the United States, that the Nation owes a long-overdue debt of remembrance to not only those who

lived through the egregious injustices enumerated in this resolution, but also to their descendants; and

(2) urges the establishment of a United States Commission on Truth, Racial Healing, and Transformation to properly acknowledge, memorialize, and be a catalyst for progress toward—

(A) jettisoning the belief in a hierarchy of human value;

(B) embracing our common humanity; and

(C) permanently eliminating persistent racial inequities.

#### AUTHORITY FOR COMMITTEES TO MEET

Mr. PETERS. Mr. President, I have 6 requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

##### COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:30 a.m., to conduct a hearing.

##### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

The Committee on Commerce, Science, and Transportation is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing.

##### COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

The Committee on Health, Education, Labor, and Pensions is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing on nominations.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 9:45 a.m., to conduct a hearing.

##### COMMITTEE ON FINANCE

The Committee on Finance is authorized to meet during the session of the Senate on Thursday, February 25, 2021, at 10 a.m., to conduct a hearing on a nomination.

#### MEASURES READ THE FIRST TIME—S. 461 AND S.J. RES. 9

Ms. CORTEZ MASTO. Mr. President, I understand that there are two measures at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the measures by title for the first time en bloc.

The senior assistant legislative clerk read as follows:

A bill (S. 461) to create a point of order against legislation modifying the number of Justices of the Supreme Court of the United States.

A joint resolution (S.J. Res. 9) proposing an amendment to the Constitution of the United States to require that the Supreme Court of the United States be composed of nine justices.

Ms. CORTEZ MASTO. Mr. President, I now ask for a second reading, and I object to my own request, all en bloc.

The PRESIDING OFFICER. The objection is heard.

The measures will be read for the second time on the next legislative day.

#### BIENNIAL REPORT OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the biennial report from the Office of Congressional Workplace Rights be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### BIENNIAL REPORT OF THE BOARD OF DIRECTORS OF THE OFFICE OF CONGRESSIONAL WORKPLACE RIGHTS

U.S. CONGRESS,  
OFFICE OF CONGRESSIONAL  
WORKPLACE RIGHTS,  
Washington, DC, February 25, 2021

Hon. PATRICK J. LEAHY,  
President Pro Tempore, U.S. Senate,  
Washington, DC.

DEAR MR. PRESIDENT: Section 102(b) of the Congressional Accountability Act of 1995 (CAA) requires the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to biennially submit a report containing recommendations regarding Federal workplace rights, safety and health, and public access laws and regulations that should be made applicable to Congress and its agencies. The purpose of this report is to ensure that the rights afforded by the CAA to legislative branch employees and visitors to Capitol Hill and district and state offices remain equivalent to those in the private sector and the executive branch of the Federal Government. As such, these recommendations support the intent of Congress to keep pace with advances in workplace rights and public access laws.

Accompanying this letter is a copy of the Board's Section 102(b) Report for the 117th Congress. This report was submitted electronically to President Pro Tempore Grassley and Speaker Pelosi on December 31, 2020, which was the filing date required by statute. We welcome discussion on these issues and urge that Congress act on these important recommendations.

As required by the CAA, we request that this publication be printed in the Congressional Record and referred to the committees of the U.S. Senate with jurisdiction.

Sincerely,

SUSAN TSUI GRUNDMANN,  
Executive Director,  
Office of Congressional Workplace Rights.  
Attachment.

#### RECOMMENDATIONS FOR IMPROVEMENTS TO THE CONGRESSIONAL ACCOUNTABILITY ACT

**Office of Congressional Workplace Rights—Board of Directors' Biennial Report required by 102(b) of the Congressional Accountability Act issued at the conclusion of the 116th Congress for consideration by the 117th Congress**

##### Statement from the Board of Directors

With its enactment of the Congressional Accountability Act (CAA) in 1995, Congress first applied to the legislative branch the same laws regarding workplace rights and the employment relationship as governed the executive branch and private sector, including those addressing discrimination, workplace safety and health, wages and hours, accessibility, and collective bargaining and labor-management relations. Passage of the CAA in the opening days of the 104th Congress with nearly unanimous approval reflected a Congressional promise to the American public that it would hold itself accountable to the same federal workplace and accessibility standards as apply to private sector employers and executive branch agencies.

This commitment is not meant to be static. Rather, the CAA provides for an ongoing, vigilant review of federal law to ensure that Congress continues to apply to itself—where appropriate—the labor, employment, health, and safety laws that it enacts. To further this goal, section 102(b) of the CAA tasks the Board of Directors of the Office of Congressional Workplace Rights (OCWR) to review federal legislation and regulations to ensure that workplace protections in the legislative branch are on par with those applicable to private sector and executive branch agencies. Accordingly, every Congress, the Board reports on:

whether or to what degree [provisions of Federal law (including regulations) relating to (A) the terms and conditions of employment (including hiring, promotion, demotion, termination, salary, wages, overtime compensation, benefits, work assignments or reassignments, grievance and disciplinary procedures, protection from discrimination in personnel actions, occupational health and safety, and family and medical and other leave) of employees; and (B) access to public services and accommodations] . . . are applicable or inapplicable to the legislative branch, and (2B) with respect to provisions inapplicable to the legislative branch, whether such provisions should be made applicable to the legislative branch.

This section of the CAA also requires that the presiding officers of the House of Representatives and the Senate cause our Report to be printed in the Congressional Record and refer the report to Committees of the House and Senate with jurisdiction.

In past Reports, the Board has taken a broad approach in presenting its recommendations to amend the CAA. In this Report, we highlight key recommendations that the Board has made in past Section 102(b) Reports that have not yet been implemented, as well as additional recommendations to amend the CAA to increase transparency, discourage protracted administrative proceedings at the taxpayers' expense, and enjoin unlawful conduct.

While recognizing the enormous importance of many of the other issues faced today by the 117th Congress, the Board is hopeful that issuance of this Section 102(b) Report will result in legislative action necessary to implement these recommendations so that the CAA remains current with the employment needs of the legislative branch. Without action on the Board's recommendations, the worthy goals of the CAA gradually may be eroded.

The Board welcomes an opportunity to further discuss these recommendations and asks for careful consideration of the requests by the 117th Congress.

Sincerely,

BARBARA CHILDS WALLACE,  
*Chair, Board of Directors.*

BARBARA L. CAMENS.

ALAN V. FRIEDMAN.

ROBERTA L. HOLZWARTH.

SUSAN S. ROBFOGEL.

#### Recommendations for the 117th Congress

##### **Amend the CAA to Allow the OCWR Board of Directors to Authorize the OCWR General Counsel to Seek Appropriate Temporary Relief after Filing an Unfair Labor Practice (ULP) Charge**

Section 220 of the CAA incorporates certain provisions of the Federal Service Labor-Management Relations Statute (FSLMRS) to the legislative branch. 2 U.S.C. §1351. In general, the OCWR General Counsel exercises the same authority delegated to the General Counsel of the Federal Labor Relations Authority (FLRA) under 5 U.S.C. §§ 7104 and 7118 in the executive branch, that is, the authority to investigate allegations of ULPs and to file and prosecute complaints regarding ULPs.

The CAA, however, does not currently incorporate the provisions of 5 U.S.C. §7123(d), pursuant to which parties to ULP proceedings in the executive branch may request the FLRA General Counsel to seek appropriate temporary relief, including issuance of a temporary restraining order. Specifically, section 7123(d) provides:

The Authority may, upon issuance of a complaint as provided in section 7118 of this title charging that any person has engaged in or is engaging in an unfair labor practice, petition any United States district court within any district in which the unfair labor practice in question is alleged to have occurred or in which such person resides or transacts business for appropriate temporary relief (including a restraining order). Upon the filing of the petition, the court shall cause notice thereof to be served upon the person, and thereupon shall have jurisdiction to grant any temporary relief (including a temporary restraining order) it considers just and proper. A court shall not grant any temporary relief under this section if it would interfere with the ability of the agency to carry out its essential functions or if the Authority fails to establish probable cause that an unfair labor practice is being committed.

This important statutory provision in the FSLMRS allows the FLRA General Counsel to seek, in appropriate cases when a ULP Complaint is filed, temporary relief in any United States District Court when it would be just and proper to do so and the record establishes probable cause that an ULP is being committed.

Incorporating the provisions 5 U.S.C. §7123(d) into the CAA would allow the OCWR Board to authorize the OCWR General Counsel to seek appropriate temporary relief in the same manner and under the same circumstances. In the Board's view, the grant of authority to the OCWR General Counsel to seek appropriate temporary relief under the CAA would, as has proven to be in the executive branch, operate as a strong disincentive for parties in the legislative branch to engage in protracted administrative proceedings at the taxpayers' expense while continuing to engage in ULPs.<sup>1</sup>

##### **Amend the Confidentiality Provisions of the CAA to Exclude Proceedings under the FSLMRS and the Public Access Provisions of the Americans with Disabilities Act (ADA) (CAA Sections 210 and 220)**

The general confidentiality provisions of the CAA that govern administrative hearings and deliberations are set forth at section 416 of the Act. 2 U.S.C. §1416. They currently provide in relevant part that "all proceedings and deliberations of hearing officers and the Board, including any related records, shall be confidential. This subsection shall not apply to proceedings under section 1341 of this title [concerning proceedings under the Occupational Safety and Health Act of 1970 (OSHAct)], but shall apply to the deliberations of hearing officers and the Board under that section." Congress excluded proceedings under the OSHAct from these confidentiality provisions because it determined that the public interest in transparency concerning safety and health proceedings on Capitol Hill outweighed any value in keeping them confidential.

The Board believes that the public interest in transparency outweighs any value in confidentiality for proceedings under the ADA public access provisions and the labor-management provisions of the CAA. 2 U.S.C. §§1331, 1351. Unlike the individual employment matters covered by Part A of subchapter II of the CAA where there is undoubtedly value in keeping individual personnel disputes confidential, the matters covered by Parts B (ADA public access), C (occupational safety and health), and D (labor-management relations) primarily involve institutional and public concerns with maintaining facilities, policies, and programs that are safe, healthful, accessible, and free from ULPs. The current lack of transparency undermines the public's confidence that those statutory mandates are being fully enforced, encourages protracted litigation at taxpayer expense, and discourages voluntary compliance.

Accordingly, the Board recommends that section 416 of the CAA be amended to exclude from its confidentiality provisions, proceedings under the FSLMRS and the public access provisions of the ADA. This could be accomplished by amending the second sentence in CAA section 416(b) as follows: "This subsection shall not apply to proceedings under sections 1331, 1341, and 1351 of this title, but shall apply to deliberations of hearing officers and the Board under these sections."

##### **Amend the Voluntary Mediation Provisions of the CAA's Administrative Dispute Resolution (ADR) Procedures to Require Mediation upon Request of the Claimant**

Prior to the CAA Reform Act, the CAA's ADR procedures required, among other things, that an employee file a request for mediation with the OCWR as a jurisdictional prerequisite to filing a complaint with the OCWR or in the U.S. District Court. Further, the CAA provided that the mediation period "shall be 30 days," which could be extended upon the joint request of the parties.

As a result of the CAA Reform Act amendments, however, mediation is no longer mandatory—rather, mediation takes place only if requested and only if both parties agree. 2 U.S.C. §1403. This change from mandatory to voluntary mediation was enacted amid concerns that the mandatory mediation process could serve to delay the availability of statutory relief for victims of harassment or other conduct prohibited by the CAA. Concerns were also expressed that employees could view the mandatory mediation process as intimidating—especially those who are unrepresented by counsel in mediation but who face an employing office represented by legal

counsel. The amendment was also enacted amid consensus that mediation is most successful when claimants feel comfortable and adequately supported in the process.

The Board continues to view mediation as a valuable option available to settle disputes under the CAA. The OCWR's experience over many years has been that a large percentage of controversies have been successfully resolved without formal adversarial proceedings, due in large part to its mediation processes. Mediation can save the parties from burdensome litigation, which can be expensive, time consuming, and a drain on resources and workplace productivity. Mediation also gives the parties an opportunity to explore resolving the dispute themselves without having a result imposed upon them. Furthermore, OCWR mediators are highly skilled professionals who have the sensitivity, expertise, and flexibility to customize the mediation process to meet the concerns of the parties. In short, the effectiveness of mediation as a tool to resolve workplace disputes cannot be understated.

The Board is concerned, however, that the CAA Reform Act amendments requiring the consent of both parties to mediation effectively gives the employing offices a veto over claimants who wish to attempt to settle their claims with the assistance of an OCWR mediator. None of the concerns expressed at the time the CAA Reform Act was passed warrant such a result. Moreover, none of the policies underlying mediation are furthered when an employee's request for mediation is effectively denied by the employing office. Further, there is no indication that an employing office would be adversely affected if it were required to participate in mediation when it is requested by the claimant. Requiring mediation upon the request of a claimant will maximize the chances of achieving a voluntary settlement that best meets the needs of all parties to the dispute.

Accordingly, the Board recommends that the CAA be amended to provide that mediation take place if requested by the claimant, or if requested by the employing office and agreed to by the claimant.

##### **Protect Employees Who Serve on Jury Duty (28 U.S.C. §1875)**

Section 1875 of title 28 of the U.S. Code provides that no employer shall discharge, threaten to discharge, intimidate, or coerce any permanent employee by reason of such employee's jury service, or the attendance or scheduled attendance in connection with such service, in any court of the United States. This section currently does not cover legislative branch employment. For the reasons set forth in the 1996, 1998, 2000, 2006, and 2019 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to covered employees and employing offices within the legislative branch.

##### **Protect Employees and Applicants Who Are or Have Been In Bankruptcy (11 U.S.C. §525)**

Section 525(a) of title 11 of the U.S. Code provides that "a governmental unit" may not deny employment to, terminate the employment of, or discriminate with respect to employment against, a person because that person is or has been a debtor under the bankruptcy statutes. This provision currently does not apply to the legislative branch. Reiterating the recommendations made in the 1996, 1998, 2000, 2006, and 2019 Section 102(b) Reports, the Board advises that the rights and protections against discrimination on this basis should be applied to covered employees and employing offices within the legislative branch.

### **Prohibit Discharge of Employees Who Are or Have Been Subject to Garnishment (15 U.S.C. § 1674(a))**

Section 1674(a) of title 15 of the U.S. Code prohibits discharge of any employee because his or her earnings “have been subject to garnishment for any one indebtedness.” This section is limited to private employers, so it currently has no application to the legislative branch. For the reasons set forth in the 1996, 1998, 2000, 2006, and 2019 Section 102(b) Reports, the Board recommends that the rights and protections against discrimination on this basis should be applied to covered employees and employing offices within the legislative branch.

### **Provide Whistleblower Protections to the Legislative Branch**

Civil service law provides broad protection to whistleblowers in the executive branch to safeguard workers against reprisal for reporting violations of laws, rules, or regulations, gross mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to public health or safety. In the private sector, whistleblowers also are often protected by provisions of specific federal laws. However, these provisions do not apply to the legislative branch.

The OCWR has received a number of inquiries from congressional employees concerned about their lack of whistleblower protections. The absence of specific statutory protection against reprisal such as that provided under 5 U.S.C. § 2302(b)(8) chills the disclosure of vital information in the public interest to guard against legislative branch mismanagement and abuse. Granting whistleblower protection could significantly improve the rights and protections afforded to legislative branch employees in an area fundamental to the institutional integrity of the legislative branch by uncovering waste and fraud and safeguarding the budget.

The Board has recommended in its previous Section 102(b) Reports and continues to recommend that Congress provide whistleblower reprisal protections to legislative branch employees comparable to that provided to executive branch employees under 5 U.S.C. § 2302(b)(8) and 5 U.S.C. § 1221. Additionally, the Board recommends that the Office be granted investigatory and prosecutorial authorities over whistleblower reprisal complaints, by incorporating into the CAA the authority granted to the Office of Special Counsel, which investigates and prosecutes claims of whistleblower reprisals in the executive branch.

### **Provide Subpoena Authority to Obtain Information Needed for Safety and Health Investigations and Require Records to Be Kept of Workplace Injuries and Illnesses**

The CAA applies the broad protections of section 5 of the OSHAct to the congressional workplace. The OCWR enforces the OSHAct in the legislative branch much in the same way the Secretary of Labor enforces the OSHAct in the private sector. Under the CAA, the OCWR is required to conduct safety and health inspections of covered employing offices at least once each Congress and in response to any request, and to provide employing offices with technical assistance to comply with the OSHAct's requirements. But Congress and its agencies are still exempt from critical OSHAct requirements imposed upon American businesses. Under the CAA, employing offices in the legislative branch are not subject to investigative subpoenas to aid in inspections as are private sector employers under the OSHAct. Similarly, Congress exempted itself from the OSHAct's recordkeeping requirements pertaining to workplace injuries and illnesses that apply to the private sector.

The Board continues to recommend that legislative branch employing offices be subject to the investigatory subpoena provisions contained in OSHAct section 8(b) and that legislative branch employing offices be required to maintain records of workplace injuries and illnesses under OSHAct section 8(c), 29 U.S.C. § 657(c), in the interests of the safety and health of legislative branch employees.

### **Adopt Recordkeeping Requirements under Federal Workplace Rights Laws**

The Board has recommended in several Section 102(b) Reports, and continues to recommend that Congress adopt all recordkeeping requirements under federal workplace rights laws, including title VII. Although some employing offices in the legislative branch keep personnel records, there are no legal requirements under the CAA to do so.

### **Approve the Board's Pending ADA Public Access Regulations**

The CAA directs the OCWR Board to promulgate regulations implementing the CAA to keep Congress current and accountable to the workplace laws that apply to private and public employers. The Board is required to issue substantive regulations to achieve parity, unless there is good cause shown to deviate from the private sector or executive branch regulations. Pursuant to section 304 of the CAA, 2 U.S.C. 1384, the procedure for proposing and approving substantive regulations provides that: (1) the Board of Directors proposes substantive regulations and publishes a general notice of proposed rulemaking in the Congressional Record; (2) there be a comment period of at least 30 days after the date of publication of the general notice of proposed rulemaking; (3) after consideration of comments by the Board of Directors, the Board adopts regulations and transmits notice of such action (together with the regulations and a recommendation regarding the method for congressional approval of the regulations) to the Speaker of the House and President Pro Tempore of the Senate for publication in the Congressional Record; (4) there be committee referral and action on the proposed regulations by resolution in each House, concurrent resolution, or by joint resolution; and (5) there be final publication of the approved regulations in the Congressional Record, with an effective date prescribed in the final publication.

The Board recommended in its 2019 Section 102(b) Report to the 116th Congress that Congress approve the Board's pending regulations that would implement titles II and III of the ADA in the legislative branch. The Board again recommends in this Report that Congress approve its adopted regulations.

Public access to Capitol Hill and constituent access to district and state offices have long been congressional hallmarks of our democracy. The Board's ADA regulations, which await Congressional approval, further ensure that continued access. First, the Board's ADA regulations clarify which title II and title III regulations apply to the legislative branch. This knowledge will undoubtedly save taxpayers money by ensuring pre-construction review of construction projects for ADA compliance—rather than providing for only post-construction inspections and costly redos when the access is not adequate. Second, under the regulations adopted by the Board, all leased spaces must meet some basic accessibility requirements that apply to all federal facilities that are leased or constructed. In this way, Congress will remain a model for ADA compliance and public access. Under the authority of the landmark CAA, the OCWR has made significant progress toward making Capitol Hill more accessible for persons with disabilities.

Our efforts to improve access to the buildings and facilities on the campus are consistent with the priority guidance in the Board's ADA regulations, which it adopted in February 2016. Congressional approval of those regulations would reaffirm its commitment to provide barrier-free access to the Capitol Hill complex for the visiting public.

### **Approve the Board's Pending FMLA and USERRA Regulations When They Are Resubmitted to Congress**

The Board also recommended in its Section 102(b) Report to the 116th Congress that Congress approve its pending regulations to implement the Family and Medical Leave Act (FMLA) and the Uniformed Services Employment and Reemployment Rights Act (USERRA). As discussed below, however, further legislative developments, including the enactment of the CAA of 1995 Reform Act of 2018, Pub. L. No. 115-397, and Federal Employee Paid Leave Act (FEPLA) (subtitle A of title LXXVI of division F of the National Defense Authorization Act for Fiscal Year 2020, Public Law 116-92, December 20, 2019), have and will necessitate further amendments of these regulations, which the Board will resubmit to Congress for approval.

### **THE BOARD'S FMLA REGULATIONS**

On June 22, 2016, the Board adopted and submitted for publication in the Congressional Record additional amendments to its substantive regulations regarding the FMLA. 162 Cong. Rec. H4128-H4168, S4475-S4516 (daily ed. June 22, 2016). The 2016 amendments provided needed clarity on certain aspects of the FMLA. First, they added the military leave provisions of the FMLA, enacted under the National Defense Authorization Acts for Fiscal Years 2008 and 2010, Pub. L. 110-181, Div. A, Title V 585(a)(2), (3)(A)-(D) and Pub. L. 111-84, Div. A, Title V 565(a)(1)(B) and (4), which extended the availability of FMLA leave to family members of the regular armed forces for qualifying exigencies arising out of a servicemember's deployment. They also defined those deployments covered under these provisions, extended FMLA military caregiver leave for family members of current servicemembers to include an injury or illness that existed prior to service and was aggravated in the line of duty while on active duty, and extended FMLA military caregiver leave to family members of certain veterans with serious injuries or illnesses. Second, the amendments set forth the revised definition of “spouse” under the FMLA in light of the Department of Labor's February 25, 2015 Final Rule on the definition of spouse, and the United States Supreme Court's decision in *Obergefell, et al., v. Hodges*, 135 S. Ct. 2584 (2015), which requires a state to license a marriage between two people of the same sex and to recognize a marriage between two people of the same sex when their marriage was lawfully licensed and performed out-of-state.

Congress has not yet acted on the Board's request for approval of these 2016 amendments. However, on December 20, 2019, it enacted the FEPLA, which further amended the FMLA to allow most civilian federal employees, including eligible employees in the legislative branch, to substitute up to 12 weeks of paid parental leave for unpaid FMLA leave granted in connection with the birth of an employee's son or daughter or for the placement of a son or daughter with an employee for adoption or foster care. Further modifications of the Board's substantive regulations are therefore necessary in order to bring existing legislative branch FMLA regulations (issued April 19, 1996) in line with these recent statutory changes.

Accordingly, on November 16, 2020, the OCWR Board issued a Notice of Proposed



Rulemaking and request for comments from interested parties, which concerns additional proposed amendments to the Board's substantive FMLA regulations to implement FEPLA. The Board also proposed to amend these regulations to update references to the OCWR's current administrative dispute resolution procedures, which were significantly amended by the CAA of 1995 Reform Act of 2018. The comment period ended 30 days from the date of publication of the Board's notice in the Congressional Record, i.e., on December 17, 2020. The Board is currently reviewing the comments it received and is preparing its Notice of Adopted Rulemaking for publication in the Congressional Record. The Board's Notice of Adopted Rulemaking will also constitute the resubmission for congressional approval of its 2016 amendments to its substantive FMLA regulations discussed above. Congressional approval of the Board's adopted FMLA regulations when they are resubmitted will be critical to implementing these expanded family and medical leave protections in the legislative branch.

#### THE BOARD'S USERRA REGULATIONS

On December 3, 2008, the OCWR Board of Directors adopted USERRA regulations to apply to the legislative branch. These regulations support our nation's veterans by requiring continuous health care insurance and job protections for the men and women of the armed services who have supported our country's freedoms. They signal a commitment to anti-discrimination, anti-retaliation, and job protections under USERRA.

Those regulations, transmitted to Congress over 10 years ago, have not yet been approved. As with the Board's FMLA regulations, however, it has become necessary to make additional amendments to these regulations to update references to the OCWR's current administrative dispute resolution procedures that were significantly amended by the CAA of 1995 Reform Act of 2018.

Approving the USERRA regulations when they are resubmitted for approval will assist servicemembers in attaining and retaining a job despite the call to duty. Approving USERRA regulations would signal congressional encouragement to veterans to seek work in the legislative branch where veteran employment levels have historically been well below the percentage in the executive branch, or even in the private sector, which is not under a mandate to provide a preference in hiring to veterans. Indeed, many reports have put the level of veteran employees on congressional staffs at 2-3 percent or less.

Congress has long focused on issues concerning the health, welfare, accessibility, and employment status of veterans on Capitol Hill. For example, the Veterans Congressional Fellowship Caucus, started in 2014, has supported efforts to bridge the gap between military service and legislative work. In addition, the Wounded Warrior Fellowship Program exists in the office of the Chief Administrative Officer of the U.S. House of Representatives where Members can hire veteran Fellows for 2-year terms. In the Senate, the Armed Forces Internship Program exists to provide on-the-job training for returning veterans with disabilities. Further, Public Law No. 115-364, signed into law in 2018, makes clear that disabled veterans in the legislative branch are covered under the provisions of the Wounded Warrior Act. As such, they may receive wounded warrior leave during their first year in the workforce for treatment for their service-connected disabilities.

An extension of these laudable efforts in support of our veterans should include the long-delayed passage of the Board's adopted USERRA regulations, which implement protections for initial hiring and protect

against discrimination based on military service. Congress can lead by example by applying the USERRA law encompassed in the CAA.

Approving the three sets of Board-adopted regulations outlined above would not only signify a continued congressional commitment to the laws of the CAA—which passed in 1995 with nearly unanimous bicameral and bipartisan support—but would ensure the effective implementation of the laws' workplace protections and benefits on behalf of the legislative branch workforce.

#### ENDNOTES

1. The Board has long advocated for legislation granting the OCWR General Counsel the authority to investigate and prosecute complaints of discrimination, harassment, and reprisal in order to assist victims and to improve the adjudicatory process under the CAA. On December 21, 2018, as we were in the process of finalizing the Section 102(b) Report for the 116th Congress, the CAA of 1995 Reform Act, S. 3749, was signed into law. As discussed in that Report, the Reform Act establishes new procedures that are also clearly intended to further these policy goals. Under these circumstances, the Board believes that the best course of action is to continue to evaluate the efficacy of the new Reform Act procedures before revisiting the issue of whether the OCWR General Counsel should be granted such investigatory and prosecutorial authority. Accordingly, this recommendation is not discussed further in this Report.

#### CONGRATULATING THE NATIONAL ACTIVE AND RETIRED FEDERAL EMPLOYEES ASSOCIATION

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 76, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 76) congratulating the National Active and Retired Federal Employees Association on the celebration of its 100th anniversary on February 19, 2021, and recognizing the vital contributions its members have made to the United States over the past 100 years.

There being no objection, the Senate proceeded to consider the resolution.

Ms. CORTEZ MASTO. I ask unanimous consent that the resolution be agreed to; that the preamble be agreed to; and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 76) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### PUBLIC SCHOOLS WEEK

Ms. CORTEZ MASTO. Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 77, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 77) designating the week of February 22 through February 26, 2021, as "Public Schools Week".

There being no objection, the Senate proceeded to consider the resolution.

Ms. CORTEZ MASTO. I know of no further debate on the resolution.

The PRESIDING OFFICER. Is there further debate?

If there is no further debate, the question is on agreeing to the resolution.

The resolution (S. Res. 77) was agreed to.

Ms. CORTEZ MASTO. I ask unanimous consent that the preamble be agreed to and that the motions to reconsider be considered made and laid upon the table with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

#### ORDERS FOR MONDAY, MARCH 1, 2021

Ms. CORTEZ MASTO. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 3 p.m., Monday, March 1; further, that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following the administration of the oath to swear in Sonceria Ann Berry as Secretary of the Senate and any leader remarks, morning business be closed, and the Senate proceed to executive session to resume consideration of the Cardona nomination; that at 5:30 p.m. the postcloture time on the nomination be considered expired and the Senate vote on confirmation of the nomination; finally, that if the nomination is confirmed, the motion to reconsider be considered made and laid upon the table with no intervening action or debate and the President be notified of the Senate's action.

The PRESIDING OFFICER. Without objection, it is so ordered.

Ms. CORTEZ MASTO. Senators should be prepared for two rollcall votes at 5:30 p.m. on Monday. Those votes will be on confirmation of Miguel Cardona to be Secretary of Education, followed by a cloture vote on Gina Raimondo to be Secretary of Commerce.

#### ADJOURNMENT UNTIL MONDAY, MARCH 1, 2021, at 3 P.M.

Ms. CORTEZ MASTO. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 3:04 p.m., adjourned until Monday, March 1, 2021, at 3 p.m.

**CONFIRMATIONS**

**Executive nominations confirmed by the Senate February 25, 2021:**

**DEPARTMENT OF ENERGY**

JENNIFER MULHERN GRANHOLM, OF MICHIGAN, TO BE SECRETARY OF ENERGY.

**IN THE AIR FORCE**

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. ANTHONY P. ANGELLO  
COL. FRANK L. BRADFIELD III  
COL. HOWARD TRAVIS CLARK III  
COL. ROBERT W. CLAUDE  
COL. LISA M. CRAIG  
COL. MITCHELL A. HANSON  
COL. JENNIE R. JOHNSON  
COL. ANDREW J. LEONE  
COL. JOHN D. MCKAYE  
COL. CRAIG MCPIKE  
COL. KEVIN J. ROETHE  
COL. REGINA A. SABRIC  
COL. MICHAEL T. SCHULTZ

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. JOHN M. PAINTER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. BONNIE JOY BOSLER

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be brigadier general*

COL. MICHAEL A. BATTLE

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

*To be major general*

BRIG. GEN. MITCHEL NEUROCK

**IN THE ARMY**

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

L.T. GEN. JAMES E. RAINEY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

*To be lieutenant general*

MAJ. GEN. MARIA R. GERVAIS

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

*To be major general*

BRIG. GEN. RICHARD E. ANGLE  
BRIG. GEN. JAMES E. BONNER  
BRIG. GEN. MICHELE H. BREDENKAMP  
BRIG. GEN. RICHARD R. COFFMAN  
BRIG. GEN. CHARLES D. COSTANZA  
BRIG. GEN. ROBERT L. EDMONSON II  
BRIG. GEN. BRIAN S. EIFLER  
BRIG. GEN. JAMES J. GALLIVAN  
BRIG. GEN. WILLIAM J. HALE  
BRIG. GEN. DONN H. HILL  
BRIG. GEN. DAVID M. HODNE  
BRIG. GEN. HEIDI J. HOYLE  
BRIG. GEN. SCOTT A. JACKSON  
BRIG. GEN. MARK H. LANDES  
BRIG. GEN. CHRISTOPHER C. LANEVE  
BRIG. GEN. DAVID A. LESPERANCE  
BRIG. GEN. CHARLES R. MILLER  
BRIG. GEN. MICHAEL T. MORRISSEY  
BRIG. GEN. ALLAN M. PEPIN  
BRIG. GEN. ANTHONY W. POTTS  
BRIG. GEN. WALTER T. RUGEN  
BRIG. GEN. DOUGLAS F. STITT  
BRIG. GEN. DARREN L. WERNER

**IN THE AIR FORCE**

AIR FORCE NOMINATIONS BEGINNING WITH TRAVIS D. BELLICHI AND ENDING WITH PAUL S. SMITH, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

AIR FORCE NOMINATIONS BEGINNING WITH JOEL R. BISCHOFF AND ENDING WITH WAYNE T. SLETTEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

AIR FORCE NOMINATIONS BEGINNING WITH JOHN D. CALDWELL AND ENDING WITH MARION R. WENDALL, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

AIR FORCE NOMINATIONS BEGINNING WITH ANDREW C. GORDON AND ENDING WITH RICHARD G. WITTMAYER III, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

AIR FORCE NOMINATION OF ALEXANDER O. KIRKPATRICK, TO BE LIEUTENANT COLONEL.

AIR FORCE NOMINATIONS BEGINNING WITH JAMILA G. EVANS AND ENDING WITH DEVAN M. THOMPSON, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

**IN THE ARMY**

ARMY NOMINATION OF TERRA L. DAWES, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH RACHELE A. ADKINS AND ENDING WITH AARON G. YEE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

ARMY NOMINATION OF CLIFTON C. KYLE, TO BE COLONEL.

ARMY NOMINATION OF DEWAYNE L. DEENER, TO BE MAJOR.

**IN THE MARINE CORPS**

MARINE CORPS NOMINATION OF CHRISTOPHER L. HARDIN, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH MICHAEL S. DEWEY AND ENDING WITH PAUL M. HERRLE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATION OF JAMEEL A. ALI, TO BE LIEUTENANT COLONEL.

MARINE CORPS NOMINATIONS BEGINNING WITH TIMOTHY M. LANDWERLEN AND ENDING WITH LONG N. VO, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATION OF JASON M. DAVIS, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH STEVEN L. FERWERDA AND ENDING WITH WEIGUO R. XU, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATIONS BEGINNING WITH BENJAMIN D. KASTNING AND ENDING WITH PAUL F. THOMAS, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATIONS BEGINNING WITH DAVID W. DIXON, JR. AND ENDING WITH THOMAS R. RICE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATION OF AARON MORA, TO BE MAJOR.

MARINE CORPS NOMINATIONS BEGINNING WITH MARIO J. ARELLANO AND ENDING WITH THOMAS B. WHITE, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATIONS BEGINNING WITH KELLY E. DAYTON AND ENDING WITH RICHARD L. RAINES, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATIONS BEGINNING WITH ISMAEL ALICEA AND ENDING WITH ALFREDO TOPETE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

MARINE CORPS NOMINATIONS BEGINNING WITH JAMES L. BIGGERS, JR. AND ENDING WITH CARL M. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 6, 2021.

**IN THE NAVY**

NAVY NOMINATION OF MONDRE X. BARNES, TO BE LIEUTENANT COMMANDER.

**SPACE FORCE**

SPACE FORCE NOMINATION OF JOSHUA D. KING, TO BE MAJOR.